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The Use of Citations in Lieu of Arrest in Misdemeanor Citations

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Summary

Since 1973, law enforcement officials in Alaska had statutory authority under Alaska Statutes 12.25.180 *et. seq.* to issue citations in lieu of physical arrest and booking in misdemeanor cases, and by August 1975, Juneau Police Department began to use citations in lieu of misdemeanor arrests. This report summarizes the work of a Uniform Citation Task Force, comprising representatives of the Alaska Court System, Alaska State Troopers, Anchorage District Attorney's Office, and the Anchorage Police Department, with the Criminal Justice Center at University of Alaska providing coordination and conducting research to develop guidelines for implementation of a uniform citation program within interested Alaska criminal justice agencies. A.S. 12.25.180 *et. seq.* and practices of the Juneau Police Department, New York City, and the State of California were used as jumping-off points in the Task Force's deliberations on (1) the place where citations could be issued, (2) the criteria that law enforcement officers should consider in reaching a decision whether or not to issue a citation in lieu of physical arrest and booking, and (3) the form of the citation to be used. Suggested policies, suggested training format, and agency recommendations for which misdemeanor offenses citations may be issued are also provided.

THE USE OF CITATIONS IN LIEU OF ARREST
IN MISDEMEANOR OFFENSES



THE CRIMINAL JUSTICE CENTER

University of Alaska, Anchorage
Anchorage, Alaska

"THE USE OF CITATIONS IN LIEU OF ARREST
IN MISDEMEANOR OFFENSES"

A Report Prepared For

The Alaska Court System

The Alaska Public Defender's Office

The Alaska State Troopers

The Anchorage District Attorney's Office

The Anchorage Police Department

By

The Criminal Justice Center

University of Alaska, Anchorage

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Introduction

The study which provides the foundation for the report was initiated by the Criminal Justice Center in January of 1976. The Center previously had been approached by Chief Charles Anderson, of the Anchorage Police Department, who suggested that he felt his Department's operations could be made more productive if his officers could use citations in lieu of physical arrest and the attendant booking process in misdemeanor cases.

The same issue was raised, in a slightly different context, by James Gould, an Assistant District Attorney in the office of Joseph Balfe, the District Attorney for the Third Judicial District. Mr. Gould was serving as an adjunct faculty member to the Center and was also a member of the Courts Task Force for the State's Standards and Goals Project. Mr. Gould reported that the Courts Task Force was dealing with the same issue and that the Alaska State Troopers had expressed a strong interest in making greater use of citations in misdemeanor cases.

The possibility of the Center providing assistance to these law enforcement agencies was discussed by the Center's staff. Because the Center's Director of Research had initiated a similar project during his tenure as Legal Advisor to the San Jose, California, Police Department, it was decided that the Center had the necessary expertise to effectively deal with

such a project.

A tentative work plan for the project was developed and submitted to the Governor's Commission on the Administration of Justice at its November meeting in Sitka, along with a number of other proposed areas for Center sponsored research. The entire matter of the Center's involvement in the research area was referred to a subcommittee at the Sitka meeting. That subcommittee reported back to the Governor's Commission at its January meeting in Juneau, and among its recommendations concluded that it would be appropriate for the Center to become involved in developing a Uniform Citation project.

Anticipating this approval, letters had been sent to the Alaska Court System, the Alaska Public Defender, the Alaska State Troopers, the Anchorage District Attorney and the Anchorage Police Department in early December soliciting their cooperation in the project and requesting that they designate a representative of their agency to serve on a project Task Force.

The following individuals were so designated:

Ms. Susan Burke,	Alaska Court System
Capt. Robert Penman,	Alaska State Troopers
Mr. James Gould,	Anchorage District Attorney
Capt. George Weaver,	Anchorage Police Department

Because of demands on limited resources, the Alaska Public Defender, Mr. Brian Shortell, requested simply that he

be kept informed of the project's progress. Since the involvement of the Public Defender's Office in the planning process would not be as critical as that of the other representatives, the Center agreed that this arrangement would be appropriate.

The Task Force has met on five occasions in the course of developing this project. Prior to each meeting, the Project Director provided Task Force members with materials which would form the basis for discussion at the meeting. This approach reduced the burden of work required of the Task Force members, all of whom had numerous other responsibilities. It also substantially reduced the time required to address the various issues involved in the project at each meeting.

This report summarizes the work of the Task Force and is designed to serve two purposes. First, it has been prepared to provide the chief executive officers of each of the agencies involved with a document for their review and subsequent sign-off so that they may proceed with implementation of a uniform citation program within their respective agencies.

Secondly, the report is designed to provide guidelines for other law enforcement agencies in Alaska should they conclude that a similar program would be beneficial to their agencies' operations.

To the extent that its resources permit, the Center is prepared to assist interested agencies in the development of similar programs.

BACKGROUND

NATIONAL EFFORTS

In its report, The Challenge of Crime in a Free Society, the President's Commission on Law Enforcement and Administration of Justice recommended that:

"Each community should establish procedures to enable and encourage police departments to release, in appropriate classes of cases, as many arrested persons as possible promptly after arrest upon issuance of a citation or summons requiring subsequent appearance."*

This recommendation was not designed to break new ground in the area of police operations. Indeed, as the report noted, such procedures had already been established in New York City and in a number of California jurisdictions.

At the time the report was issued, however, relatively few law enforcement agencies had made use of such procedures. New York City's experience was by far the most noteworthy at the time and had gained considerable national attention, if not emulation. Since subsequent efforts in this area largely had their genesis in the New York model, a brief review of that experiment will be useful to the reader of this report. Rather than paraphrasing the New York experiment, we have provided a series of pertinent excerpts from a report issued by the Vera Institute of Justice** which developed the New York

* The Challenge of Crime in a Free Society, p. 133 (G.P.O.) 1967.

** "The Manhattan Summons Project", The Criminal Justice Coordinating Council of New York City and Vera Institute of Justice. (Undated.)

project.

"The success of the Manhattan Bail Project led the New York City Police Department and Vera to experiment with earlier release - at the station-house instead of in court. The necessary legal mechanism, a summons in lieu of arrest, had long existed within New York criminal procedure. Its use, however, had been limited largely to traffic offenses and administrative code violations. The Manhattan Summons Project focused on the issuance of summonses for frequently committed Penal Law misdemeanors and petty offenses.*"

"* The idea of increased use of the summons was not new; such reform had been suggested for nearly 40 years. Arthur Beeley's 1927 critique of pre-trial justice in Chicago was followed in 1931 by the Wickersham Report, which deplored the 'indiscriminate exercise of the power of arrest throughout the country,' and counseled a closer parallel to the European practice of initiating prosecution by a summons whenever possible. The American Law Institute Code of Criminal Procedure (1931) contained a discretionary summons provision as a substitute for a warrant in misdemeanor cases. The Uniform Arrest Act of 1939 allowed police officers to cite misdemeanants instead of arresting them. In 1963 the Attorney General's Committee on Poverty and the Administration of Federal Criminal Justice recommended broader use of summonses." *

"With the permission of the Appellate Division of the Supreme Court of New York State, First and Second Departments, and the Criminal Court of the City of New York, summoning authority was initially granted in 1964 to the Police Department for cases involving simple assault and petty larceny. The 14th precinct in Manhattan was selected as the target area for a three-month pilot test. This location, containing a large waterfront and warehouse area, the garment district, and several of the city's major department stores, was chosen because of its large volume of arrests in the selected crime categories.

* Id. p. 2.

The Summoning Procedures

The summoning procedures were based on Police Department regulations, the Criminal Court Act, and the Manhattan Bail Project verification process. The techniques were as follows: A suspect was brought to the precinct stationhouse to be searched and questioned by the arresting officer. If arrested for a summonsable offense, the suspect was offered the opportunity to be interviewed by a Vera staff member, usually a law student.

If the defendant's consent was obtained, the interviewer asked a series of questions designed to elicit information about the defendant's ties to the community and thus the likelihood that he would appear for trial. Questions covered the length of residence in New York City and at the current address; family ties; employment; school enrollment and attendance; and prior convictions. Responses were scored objectively on a weighted point scale, and if the minimum necessary score was attained, an attempt was made, usually by telephone, to verify the information. The Police Identification Unit was called to determine whether the defendant was wanted for any other crime. After verification, the arresting officer could recommend the issuance of a summons to the precinct desk officer. On approval, the arresting officer issued the summons, returnable within 14 days. The defendant was then free to leave and the arresting officer returned to his post.

Usually the summons process took less than one hour. In the absence of the summons, arrest-arraignment procedures would have consumed anywhere from five to eight hours." *

"Results of the Program

The summons investigation has proved to be a reliable technique for identifying those defendants who will appear in court when required. During the first two years of city-wide operation only 5.3 per cent of the summonsed defendants failed to appear in court on the return date of the summons. After subtracting those who appeared voluntarily on a subsequent date and those who missed the scheduled appearance by reason of hospitalization or confine-

* Id. pp. 3,4.

ment by another agency, the net rate of non-appearance declined to 4.6 per cent.

Cost Effectiveness

During its two years of city-wide operation the Manhattan Summons Project has saved New York City over 46,000 eight-hour police tours valued in excess of \$2.5 million.

Additional Benefits of the Summons Program

The benefits realized by the summons program go beyond cost savings and an increase in police patrol time. Other city agencies, the individual defendant, and the community gain substantially from the Manhattan Summons Project.

THE COURTS AND THE DEPARTMENT OF CORRECTION

The Project increases court efficiency. While arrest procedures preclude advance scheduling of arraignments, the summons process does permit a more even flow of arraignment cases. More rapid disposition of cases is thus made possible because attorneys can be present with prepared defenses.

The Project also lightens the workload of the Department of Correction and helps relieve overcrowded detention facilities.

THE DEFENDANT

Defendants released on summonses avoid hours of custody prior to arraignment. After arraignment, having demonstrated that they will appear in court, they are almost always released on their own recognizance pending additional court appearances. Elimination of pretrial detention means more than just the avoidance of crowded, degrading confinement. Defendants are able to keep their jobs, stay with their families, and prepare their defenses.

THE COMMUNITY

The community profits from increased police protection and improved police-community relations. On the economic side, the community is spared the cost of transporting prisoners to jail and keeping them in custody as well as providing welfare assistance which often becomes necessary if the head of the family is jailed." *

* Id., pp. 4 - 9.

Other national bodies concerned with overall improvement of our system of criminal justice have strongly supported the concept of release on citations in lieu of arrest. Because they provide additional light on the subject and thereby contribute to a better understanding of the issue, we have liberally excerpted from those studies in this report.

The American Bar Association (A.B.A.), during the late sixties, initiated a massive study of our country's criminal justice processes. Their efforts resulted in an eighteen volume study which covered virtually every aspect of a criminal case from arrest to final disposition on appeal. Their recommendations on the use of the summons in lieu of arrest are instructive in that they are among the most comprehensive.

In their volume on Pretrial Release* they recommended the following:

"PART II. RELEASE BY LAW ENFORCEMENT OFFICER ACTING WITHOUT AN ARREST WARRANT

2.1 Policy favoring issuance of citations.

It should be the policy of every law enforcement agency to issue citations in lieu of arrest or continued custody to the maximum extent consistent with the effective enforcement of the law. A law enforcement officer having grounds for making an arrest should take the accused into custody or, already having done so, detain him further only when such action is required by the need to carry out legitimate investigative functions, to protect the accused or others where his continued liberty would constitute a risk of immediate harm or when there are reasonable grounds to believe that the accused will refuse to respond to a citation.

* Pretrial Release, A.B.A. Project on Minimum Standards for Criminal Justice, Chicago (1968).

2.2 Mandatory issuance of citation.

(a) Legislative or court rules should be adopted which enumerate the minor offenses for which citations must be issued. A police officer who has ground to charge a person with such a listed offense should be required to issue a citation in lieu of arrest or, if an arrest has been made, to issue a citation in lieu of taking the accused to the police station or to court.

(b) When an arrested person has been taken to a police station and a decision has been made to charge him with an offense for which the total imprisonment may not exceed 6 months, the responsible officer should be required to issue a citation in lieu of continued custody.

(c) The requirement to issue a citation set forth in (a) and (b) of this section need not apply and a warrant may be issued:

(i) where an accused subject to lawful arrest fails to identify himself satisfactorily;

(ii) where an accused refuses to sign the citation;

(iii) where arrest or detention is necessary to prevent imminent bodily harm to the accused or to another;

(iv) where the accused has no ties to the jurisdiction reasonably sufficient to assure his appearance and there is a substantial likelihood that he will refuse to respond to a citation;

(v) where the accused previously has failed to appear in response to a citation concerning which he has given his written promise to appear.

(d) When an officer makes an arrest pursuant to subsection (c) above, he should be required to indicate his reasons in writing.

2.3 Permissive authority to issue citations in all cases.

(a) Authority. A law enforcement officer acting without a warrant who has reasonable cause to believe that a person has committed any offense should be authorized by law to issue a citation in lieu of arrest or continued custody. The authority to issue citations in serious crimes should not

extend to the patrolman in the field but should be limited to the appropriate supervising officer in the police station. The statute authorizing such action should require that the appropriate judicial or administrative agency promulgate detailed rules of procedure governing the exercise of authority to issue citations.

(b) Implementation. Each law enforcement agency should promulgate regulations designed to increase the use of citations to the greatest degree consistent with public safety. Except where arrest or continued custody is patently necessary, the regulations should require such inquiry as is practicable into the accused's place and length of residence, his family relationships, references, present and past employment, his criminal record, and any other facts relevant to appearance in response to a citation.

2.4 Lawful searches.

Nothing in these standards should be construed to affect a law enforcement officer's authority to conduct an otherwise lawful search even though a citation is issued.

2.5 Persons in need of care.

Notwithstanding that a citation is issued, a law enforcement officer should be authorized to take a cited person to an appropriate medical facility if he appears mentally or physically unable to care for himself." *

The A.B.A.'s comments on their recommendations are also useful in understanding why summonses were infrequently used at that time. They noted:

"Several reasons account for the almost total failure to use citations instead of arrest. The first is that few state statutes authorize such action by the police except in the case of minor traffic and similar 'non-criminal' violations. This fact probably reflects more a lack of

* Id. p. 1,2, of Amendments, p. 31, 33, 36, 38 of original text.

legislative attention than a considered judgment that arrest is always necessary. In some cases, however, there may also exist a more or less articulated notion that arrest itself has some punitive function. See LaFave, Alternatives to the Present Bail System, 1965 U.Ill.L.F. 8, 13. Secondly, the decision to issue a citation instead of making an arrest requires the officer to openly exercise his discretion. This, he has often been taught, is somehow improper and exposes him to the charge of acting discriminatorily. Goldstein, Police Discretion Not to Invoke the Criminal Process: Low-Visibility Decisions in the Administration of Justice, 69 Yale L.J. 543, 557-60, and nn.26, 27 (1960); LaFave, The Police and Nonenforcement of the Law--Part I, 1962 Wis.L.Rev. 104, 117. Even if the Police are authorized to issue citations and accept their authority to do so, they seldom have sufficient facts upon which to make an informed judgment whether a particular defendant should be cited or arrested.

Arrest commonly serves as the basis for certain kinds of investigatory procedures, the most important of which is the search incident to arrest. Custody may also be thought necessary to fingerprint and photograph the accused where that is appropriate, for interrogation to the extent and under the conditions imposed by *Miranda v. Arizona*, 384 U.S. 436 (1966), and for possible identification by witnesses viewing a lineup. See generally *United States v. Wade*, 388 U.S. 218 (1967).

Moreover, considerations of immediate public safety or the physical well-being of the accused may dictate arrest even in relatively minor matters. If the accused is threatening violence to others or has been involved in a fight, arrest may clearly be necessary. If he is intoxicated to such an extent that he cannot be trusted at liberty or is unable to care for himself, he should be taken into custody, although he may soon be released to medical care (see § 2.5, infra).

Finally, if the officer has reason to believe that the accused will refuse to appear, either because he is a transient with no roots in the community or has a past history of refusing to appear to answer criminal charges, of course he will be unlikely to issue a citation.

The point is that while there are doubtless a number of legitimate reasons for arresting an accused rather than issuing him a citation, the act of arrest ought not to be committed unless an acceptable justification can be articulated. Law enforcement agencies ought to train their officers to make a conscious choice between arrest and citation based on factors relevant to the necessity of arrest." *

The American Law Institute, in their work on pre-arraignment procedures** was the next major body to address the use of summonses in lieu of arrest. They recommended that:

"Section 3.02. Citation in Lieu of or in Connection With Arrest Without a Warrant.

(1) Citation Without Arrest. A law enforcement officer acting without a warrant who has reasonable cause to believe that a person has committed an offense may, subject to the regulations to be issued pursuant to subsection (4) of this section, issue a citation to such person to appear in court in lieu of arresting him.

(2) Citation After Arrest. A law enforcement officer who has arrested a person without a warrant may, subject to the regulations to be issued pursuant to subsection (4) of this section, issue a citation to such person to appear in court in lieu of taking him to a police station as provided in Section 3.09.

(3) Procedure for Issuing Citations. In issuing a citation hereunder the officer shall proceed as follows:

(a) He shall prepare a written citation to appear in court, containing the name and address of the cited person and offense charged, and stating when the person shall appear in court. Unless the person requests an earlier date, the time specified in the citation to appear shall be at least three days after the issuance of the citation.

(b) One copy of the citation to appear shall be delivered to the person cited, and such person

* Id., pp. 31, 32. (Emphasis added.)

** "A Model Code of Pre-Arraignment Procedure", A.L.I. Tentative Draft No. 2. (April 1969).

shall sign a duplicate written citation which shall be retained by the officer.

(c) The officer shall thereupon release the cited person from any custody.

(d) As soon as practicable, one copy of the citation shall be filed with the court specified therein, and one copy shall be delivered to the prosecuting attorney.

At least 24 hours before the time set in the citation for the cited person to appear, the prosecuting attorney, or other person authorized by law to issue a complaint for the particular offense, shall either issue and file a complaint charging such person with an offense, or file with the court and deliver to such person a notice that a complaint has been refused and that such person is released from his obligation to appear. [Any person who wilfully violates a citation to appear in court hereunder is guilty of a misdemeanor.]

(4) Regulations. The regulations issued pursuant to Section 1.03 shall include regulations concerning the circumstances in which officers shall issue citations pursuant to this section. Those regulations shall be designed to provide the maximum use of citations, so that persons believed to have committed offenses will be taken into custody only when necessary in the public interest." *

The last study we quote from with respect to the use of citations is the National Advisory Commission on Criminal Justice Standards and Goals, established in 1971 by L.E.A.A. to investigate the country's criminal justice systems and make concrete recommendations and set, as often as practical, specific goals for the prevention and reduction of crime. This group issued a six volume final report, one of which dealt with the courts and contained recommendations on the use of citations. Those recommendations follow:

* Id., pp. 16, 17.

"Standard 4.2

Citation and Summons in Lieu of Arrest

Upon the apprehension, or following the charging, of a person for a misdemeanor or certain less serious felonies, citation or summons should be used in lieu of taking the person into custody.

All law enforcement officers should be authorized to issue a citation in lieu of continued custody following a lawful arrest for such offenses. All judicial officers should be given authority to issue a summons rather than an arrest warrant in all cases alleging these offenses in which a complaint, information or indictment is filed or returned against a person not already in custody.

Summons should be served upon the accused in the same manner as a civil summons.

1. Situations in Which Citation or Summons Is Not Appropriate. Use of citation or summons would not be appropriate under the following situations:

- a. The behavior or past conduct of the accused indicates that his release presents a danger to individuals or to the community;
- b. The accused is under lawful arrest and fails to identify himself satisfactorily;
- c. The accused refuses to sign the citation;
- d. The accused has no ties to the jurisdiction reasonably sufficient to assure his appearance; or
- e. The accused has previously failed to appear in response to a citation or summons.

2. Procedure for Issuance and Content of Citation and Summons. Whether issued by a law enforcement officer or a court, the citation or summons should:

- a. Inform the accused of the offense with which he is charged;
- b. Specify the date, time, and exact location of trials in misdemeanors or the preliminary hearing in felonies;
- c. Advise the accused of all of his rights

applicable to his arrest and trial and of the consequences of failing to appear;

d. Explain the law concerning representation by and provision of counsel, and contain a form for advising the court (within 3 days after service of citation or summons) of the name of his counsel or of the desire to have the court appoint an attorney to defend him; and

e. State that in misdemeanor cases all motions and an election of nonjury trial must be filed within 7 days after appointment of counsel with copies provided to the prosecutor.

Upon the receipt of the notice that the accused desires counsel or if such notice is not filed, the court should take appropriate action to assure that counsel is provided within 24 hours after receipt of notice - or within 96 hours after arrest." *

Each of the studies just cited contained a number of common points as well as a variety of differing approaches to the use of citations in lieu of arrest. We have tried to capture the best facets of each in arriving at our recommendations.

ALASKAN EFFORTS

Since 1973, law enforcement officials in Alaska have had statutory authority to issue citations in lieu of physical arrest and booking in misdemeanor cases. That authority is contained in AS 12.25.180, et. seq., which are set forth in full in Appendix One of this Report.

While we have not conducted a comprehensive survey, as best as the Task Force could determine only one Alaskan law enforcement agency has initiated a program utilizing this

* "Courts", The National Advisory Commission on Criminal Justice Standards and Goals, pp. 70, 71. (G.P.O.) 1973.

statutory authority. That agency is the Juneau Police Department.

Juneau has, since August of 1975, used citations in lieu of arrest. Conversations with Chief Barkley have revealed that they have found the use of the citation has presented few problems and has resulted in significant savings in manhours for other police purposes. Chief Barkley kindly provided the Task Force with copies of his policy directive on the use of the citation.

The Task Force recognized that Juneau's somewhat unique geographical setting permits a more liberal use of the citation than might be warranted in other areas of the state. In addition, the size of the Juneau community was considered to be another important ingredient to its effective utilization. Nevertheless, the Juneau experience is valuable in that it demonstrated that the use of the citation in lieu of arrest was possible in Alaska and it provided a very handy point of reference for the work of the Task Force. Appendix Two contains copies of the Juneau policy.

APPROACH

PLACE AT WHICH CITATION IS ISSUED:

One of the first issues the Task Force decided to resolve was the place at which the citation would be issued. Two basic alternatives were present. They reflected the New York City approach and the California approach to the issue. In New York City the arrested party was brought to a precinct station house and a decision to release on a summons (New York City's equivalent of a citation) was made after consultation with a superior officer. That consultation followed a brief background inquiry related to the arrested party. (Appendix Three provides copies of the New York City procedures and forms.)

In California the usual procedure is to release the arrested party in the field through the use of a uniform citation. (Appendix Four provides samples of California's citation.)

The Task Force, in the final analysis, opted for the California approach as best suited to the needs of Alaska law enforcement agencies. New York City's approach was cost-effective simply because the normal time required to physically arrest and process a person in that City's system averaged from five (5) to eight (8) hours. With the exception of the most remote areas of Alaska, that amount of time never occurred in processing

individuals through this state's system.

Moreover, since a major objective of a citation program is to reduce the amount of time a patrol officer is away from his patrol area, the Task Force concluded that the California approach better served that end. There was recognition among Task Force members, however, that there might be situations in which it would be desirable to take the arrested party to a police facility for legitimate reasons, such as further questioning, and then release the individual upon issuance of a citation.

CRITERIA FOR RELEASE:

Having resolved the issue of where a citation should be issued, the Task Force turned its attention to a discussion of the factors which a law enforcement officer should consider in reaching a decision whether or not to issue a citation in lieu of physical arrest and booking.

Deliberations on this issue were guided, in part, by AS 12.25.180, et. seq., Juneau's guidelines, and those used by New York City. These examples were considered in terms of their appropriateness to a program which would serve the City of Anchorage as well as all areas of the state under the jurisdiction of the Alaska State Troopers. Consequently, modifications designed to reflect circumstances unique to Alaska's geography, its population and employment characteristics,

among others, were considered to be essential.

Certain criteria were easily developed. The Task Force readily agreed that the nature of the crime alleged to have been committed by the individual in custody was the most critical factor in any release decision. There was also agreement among the law enforcement representatives on the Task Force that factors peculiar to their individual agencies would likely result in their reaching independent conclusions as to which crimes they would recommend as being, or not being, subject to release decisions. Appendix Five sets forth the individual recommendations of each agency in this area. Quite clearly final decisions on this important matter rest with the respective chief executive officers of those agencies. Similarly, other agencies which may consider the implementation of a citation program will also have to consider the circumstances surrounding enforcement policies in their communities before arriving at decisions of this sort.

Having established a listing of crimes for which citations may be issued, the next step in the process was a consideration of what factors related to the suspect and the circumstances surrounding the particular crime should be considered by the arresting officer.

The first question concerns the identity of the suspect. The Task Force concluded that the officer should obtain the name, date of birth, address and marital status of the person in custody. Thereafter, the officer should ascertain the

nature of proof of identity. The Task Force concluded that an Alaska driver's license should be considered the best evidence of true identity, since it contains a picture of the individual to whom it was issued. Secondary consideration should be given to another state's operator's license if it contains a picture, or to other forms of identification issued by governmental agencies, such as the military, which contain pictures. In all cases, the Task Force agreed, this type of evidence of true identity should be coupled with further evidence of a local residence. The Task Force felt that the stronger the proof of identity became, the more likely the person in custody would become eligible for release by citation, all other things remaining equal.

Failure to produce any evidence of identity, the Task Force felt, should give rise to doubt about the advisability of release by citation, but in and of itself should not halt an inquiry directed towards that end.

The next logical step in the inquiry should deal with the length of time the suspect has resided at his current address. The aim of this type of questioning is to determine the degree to which the suspect has stable ties to the community in which he currently resides, or has displayed a pattern of stability in the past in other communities if he is a recent addition to the community. Once again, the Task Force concluded that the more stable were ties to the community, the more eligible an

individual would become for release by citation.

In addition to identity and residence the Task Force also concluded that marital status and family ties were important factors to be considered in a release decision. An assumption was made that an individual who supports others, or can or does rely upon others for support was a better risk for release than the individual who was a loner.

Employment was also considered to be a critical factor by the Task Force. The suspect with the job, who has held that job for a significant period of time, is again a better risk for release than the individual who is unemployed and has been for a long period of time.

The final factor which the Task Force believed to be critical to a release decision was the arresting officer's knowledge about the suspect's past criminal history. Where the officer has knowledge of prior criminal involvement by the person in custody, such knowledge obviously will be useful in determining the appropriate course of action. However, the Task Force did believe that previous arrests, per se, should not automatically disqualify an individual from consideration for release by a citation.

There were a number of less important factors which the Task Force concluded could assist an officer in making a decision with respect to the use of a citation. Among them were: is the individual under a doctor's care; is he receiving

welfare, unemployment or workman's compensation benefits; is he attending school in the community; is he a member of a military reserve unit, etc. These and similar questions can provide the arresting officer with further indications of the degree to which the suspect is a reasonably stable member of the community.

The stress placed on questions related to the degree of community stability by the Task Force becomes clear when one considers the underlying rationale behind the use of the citation, as well as the use of arrest and physical booking.

The basic objective of the arrest and subsequent physical booking of a suspect is to develop information on his true identity and to establish some certainty that he will appear at subsequent court proceedings. Traditionally, this second goal has been achieved either by detention or by release upon posting of bail. More recently, the practice of release upon one's own recognizance - that is, one's word that he will appear in the future - has gained greater acceptance and is probably the primary form of release in misdemeanor cases in Alaska, although the Task Force has no hard data to substantiate this assumption.

If, then, the entire purpose of initial post arrest proceedings is designed in large measure to insure the future appearances of the arrested person in court, the question arises as to what is the basis for concluding that bail or

O.R. release are the only forms of that insurance available.

When one looks at the types of information sought by the Courts in reaching those decisions (bail or O.R.), one finds that the nature of the inquiry is almost identical to that which we have suggested that an officer considering the issuance of a citation follow.

The basic objective of both exercises, in the final analysis, is a determination of whether or not the person under arrest will show up in court at subsequent proceedings. If one accepts this premise, then it is easy to understand the stress placed on factors related to the individual's stability within the community. The more stable and permanent those ties are, the less likely there are to be reasons why the arrested person will flee the jurisdiction of the court.

Having arrived at agreement on the criteria to be used in making release by citation decisions, the Task Force next considered the advisability of establishing a point system to be used in weighting each criterion. Precedent for this approach existed in the New York City procedure.

If all the criteria to be considered by the arresting officer could be listed, then one could look at each criterion, weigh its importance against all the others, and give it a numerical score which reflected the degree of importance to be accorded that particular criterion. A total possible

score could thus be obtained, and from that a cutoff point could be established. Those scoring above the line would automatically become eligible for release, unless circumstances not contained in the list dictated a contrary course of action. Those scoring below the line would not be eligible for release under any circumstances.

The perceived benefits of such a scheme are that it reduces the frequency of arbitrary action on the part of an arresting officer. It also provides a ready means of reviewing cases involving individuals who are issued citations but fail to appear, with a view towards identifying common characteristics which can then be used to readjust the cutoff line for release.

The problems with such a scheme are those inherent in any effort to quantify subjective factors. One is never quite certain that the weighting is appropriate, or that all relevant factors are contained in the list which makes up the total. In addition, there is no inherent guarantee in such a scheme that all officers will truthfully record, and thus score, the information provided to them by the person in custody.

Consequently, the Task Force decided against a "point" system approach to decision making. It was determined that in lieu of such a system, the program they were considering for Alaska would be best served by the development of a fairly comprehensive list of the various types of factors which an arresting officer should consider in reaching a decision with

respect to release by citation. That list is set forth in Appendix Six of this Report. We note, however, that the New York City materials contained in Appendix Three will provide the interested reader with an example of the "point" system and its scoring. Moreover, readers of this Report, in comparing the New York City criteria with that set forth in Appendix Six, will find many similarities. This does not suggest a preference for following New York. It merely reflects the fact that any citation system will use approximately the same types of criteria. Moreover, they are substantially the same criteria a judge is required to consider in a bail hearing under AS 12.30.020.

FORM OF THE CITATION:

The next issue which the Task Force addressed was the form of the citation to be used in connection with this program. At the time the project was initiated there was an expectation that an entirely new form would have to be developed, approved by all concerned, ordered and printed. Quite fortuitously, however, events intervened which obviated the necessity for these actions and contributed immeasurably to the speed with which this project has been concluded.

Those events centered around another Committee's work in revising Title 28 of the Alaska Statutes. In the course of

that work a decision was made to revise the format of the Uniform Traffic Citation, to include room for a probable cause statement related to the offense in question.

That revision provided a format which was equally suitable for use in connection with misdemeanor citations. The Task Force reviewed the revised Traffic Citation and concluded that it could be used for this program.

The ability to use a single form for both citations has a number of clear benefits. First, it reduces costs associated with this project. Second, it results in one less set of forms a police officer has to carry around with him. Third, because the revised form for the Traffic Citation was identical in all respects to previous forms, save for the probable cause space, it meant that we would be able to use a form which police officers were already used to filling out and thus would reduce errors normally associated with learning to use new forms. Fourth, it would not create a new set of forms which court and other criminal justice system personnel would have to acquaint themselves with, and for which they might have to create separate record keeping systems.

The Task Force also reviewed the new Traffic Citation from the perspective of its capacity to serve a dual purpose. First, it would serve as the mechanism for release in cases involving misdemeanors. Second, and more important, the provision of space for a probable cause statement raised the possibility

that the citation could also serve as the complaint. The Task Force considered the new format against the requirements of Rules Three (3) and Five (5) of the Criminal Rules of the Alaska Rules of Court, and concluded that, in their opinion, it met all the requirements of those Rules in terms of the form of a complaint. This conclusion, however, might not be reached by those with the authority to make such a decision, and, as such, it presents an issue for resolution by the Alaska Court System.

The Task Force wishes to point out, however, that there are considerable benefits to be derived by all parties from the establishment of a ruling that the new Traffic Citation format should be recognized as the equivalent of a complaint. First, it will reduce the workloads of police officers and members of the District Attorney's office associated with the preparation of complaints. Second, it will reduce the amount of paper work handled by court personnel, and the size of criminal case files. Third, in the long run, it will reduce costs by cutting into the size of future printings of complaint forms. While the Task Force was unable to project the likely savings to be derived from such a decision, it could not help but take notice of the fact that in the face of increased demands for economy in government operations, any savings, however slight they may be, are desirable so long as those savings do not

result in a diminution of the quality of justice.

In respect to this latter issue, the Task Force discussed at some length the question of whether or not the space provided on the new Traffic Citation Form provided sufficient room to lay out probable cause in misdemeanor cases. In the final analysis, a decision was reached that the space was sufficient, provided that some care was taken by law enforcement agencies in the manner in which they prepared officers for the use of the citation in connection with misdemeanor arrests. The Task Force felt that training could provide officers with the skills required to write a probable cause statement in the space allotted which set forth the elements of the crime and the reasons to believe that the individual under arrest had committed the crime. Further, the Task Force felt that for many of the crimes in which the citation would be used "boilerplate" illustrations of probable cause statements which would fit within the space allowed could be developed to aid police officers in drafting such statements.

In addition, the Task Force recognized that there would undoubtedly be instances when the officer himself would realize the value of drafting a separate complaint, and that there were likely to be even more instances when the assistant district attorney handling the case would conclude that a fuller probable cause statement would be required. Since there was nothing inherent in the nature of the citation process which would

preclude either of these instances from arising, the Task Force concluded that use of the new format would not give rise to deprivation of the constitutional rights of the accused party.

MISCELLANY:

The Task Force addressed the issue of whether or not existing police procedures with respect to the handling of evidence seized in connection with an arrest would have to be modified to accommodate releases in the field under the citation program. The conclusion was a negative one. The proposed format contains a provision for a receipt to a party under arrest for evidence obtained in connection with the arrest. This receipt serves to protect the individual's rights to subsequent return of the evidence should such a need arise.

Thereafter, arresting officers would simply follow existing procedures of their respective agencies with respect to the processing of evidence. The Task Force concluded that taking custody of evidence in the field would present no problems other than those normally associated with learning a new wrinkle to an existing procedure.

The Task Force also considered the issue of the fingerprinting and photographing of individuals who were released upon the issuance of a citation. After considerable discussion of a number of options, the Task Force concluded that the taking of

fingerprints or photographs of individuals for whom citations were issued was not essential. This is the practice which the Juneau Police chose to follow.

The Task Force also discussed the taking of fingerprints and photographs of individuals who received citations and were subsequently convicted. No problem was foreseen for those individuals sentenced to serve time since they would be printed and photographed by the Division of Corrections. For those individuals who were fined, placed on probation, etc., however, the Task Force was unable to develop any reasonable process. There was substantial agreement that there was no effective way to require judges to order such individuals to be printed or photographed as a condition of such types of sentencing.

As such, the Task Force recommends that if a law enforcement agency believes that prints and photos of convicted misdemeanants who are not sentenced to jail are required, that that agency establish its own procedures for obtaining the same.

We note, in passing, that the continued development of the State's A.J.I.S. system will provide ready access of criminal histories to law enforcement and will contain sufficient identifiers so that a lack of fingerprints should not present overwhelming problems. We further note that substantial segments of the population are fingerprinted for reasons unrelated to criminal activity and that these prints are generally accessible

to law enforcement.

Finally, the Task Force took note of the fact of the gradual trend towards expungement of criminal history data on individuals not convicted of crimes for which they were arrested. The policy proposed herein should have the effect of reducing the costs - to both the State and the individual - involved in expunging criminal history data.

PROBABLE AREAS OF BENEFIT
TO CRIMINAL JUSTICE AGENCIES

LAW ENFORCEMENT:

- (1) Increased manhours available for patrol.
- (2) Some reduction in court appearances.
- (3) Reduced average "response time" for calls
for service.
- (4) Improved relations with the community.
- (5) Reductions in overtime.

DISTRICT ATTORNEYS:

- (1) Less time spent preparing complaints.
- (2) Smoother case scheduling at arraignments.

COURTS:

- (1) Smoother case scheduling of arraignments.
- (2) Reduced paper work in case files.
- (3) Fewer bail hearings.
- (4) Fewer "stationhouse" bail calls after normal
business hours.

CORRECTIONS:

- (1) Fewer detention related transactions.
- (2) Decreases in detention inmate populations.
- (3) Fewer transports to court proceedings.

PROPOSED MEANS OF EVALUATION

Sound administrative principles dictate that newly enacted policy be subjected to evaluation to insure that it is producing desired results. This is especially so when the policy contains the inherent potential for producing counterproductive results.

Evaluation of the citation project, if desired by the agencies, should proceed along three lines, at a minimum. Timing of the evaluation is different in all three suggested cases.

First, supervisors in the law enforcement agencies should undertake an immediate random review of citations to determine if they are properly being filled out, if they are being issued for the right crimes and if they contain sufficient probable cause statements. Assistant district attorneys can assist in the evaluation of the probable cause statements. Further, they should convey back to the law enforcement agencies involved, any criticisms they receive from the judiciary on the probable cause statements. Evaluation of this type will help to insure that the citation will remain a viable substitute for the complaint.

Second, court, district attorney and law enforcement personnel should establish a system of monitoring the "show-up" rates at the initial appearance of individuals to whom citations are issued. These rates should be compared against bail and O.R. "show-up" rates to determine if any significant differences exist. This type of evaluation is necessary to determine if

the savings in man hours likely to result from the issuance of the citation are being substantially offset by increased man hours spent in issuing and serving summonses and/or warrants for those who fail to appear.

In addition, the same parties should establish a procedure designed to screen the citations of those who fail to appear to see if there are any common characteristics in the backgrounds of the individuals, or among the crimes involved, which would suggest the need for revised criteria for issuance of the citation.

These procedures should be established at the time the program is initiated. It seems reasonable to conclude that at least three months experience will be required to determine whether or not "show-up" rates are significantly different. However, monitoring should be done on a regular basis in order to protect against wholesale disregard of the citation, as unlikely as that event may be.

Third, an effort should be made to establish a means of evaluating the total savings produced by the program. This information may be helpful in bringing about legislative changes in AS 12.25.180 to include felony cases, should a decision to move in that direction be made.

Other areas which one might wish to look at in connection with the program might include:

- (1) Do final dispositions of citation cases differ

significantly from other misdemeanor cases?

(2) Does the program result in improved relations with the community?

(3) Assuming that the State Troopers and the Anchorage Police Department establish different procedures for dealing with the program, is one more effective than the other in the greater Anchorage area?

The staff of the Criminal Justice Center is prepared to assist the agencies implementing this program in any evaluation efforts they desire to undertake. Such decisions are within the province of agency management. If evaluation is desired by an agency, the Center is prepared to assume major responsibility for performing the work involved.

CONCLUSIONS AND REQUIRED ACTIONS

The Task Force has concluded that it is feasible to initiate a coordinated program of release by citation in lieu of physical arrest and booking in a substantial number of misdemeanor cases.

The degree to which such a program is ultimately successful depends upon the degree to which the various agencies involved cooperate, where cooperation is required for success, and the degree to which this alternative is used by officers in misdemeanor cases.

The Task Force is convinced that the program can be of enormous benefit to the agencies involved, providing savings in manpower and dollars while at the same time improving the quality of justice within Alaska. At the same time, the program will provide benefits to individual defendants in criminal cases which will ultimately benefit the larger society. Among the foremost of these are:

1. Obviating the necessity of raising bail.
2. Reducing pre-trial detention and the costs associated with it.
3. Increasing the chances that employed defendants will not lose time at work (due to detention) or their jobs.
4. Increasing the ability of defendants to participate in the preparation of their defenses.
5. Possible reduction in welfare costs to the state.

To implement this program the following actions are required:

BY THE CHIEF OF POLICE, ANCHORAGE POLICE DEPARTMENT:

1. Approval of the list of crimes for which citations may be used.
2. Initiation of training program for A.P.D. personnel involved in the issuance of citations.

BY THE COMMISSIONER OF THE DEPARTMENT OF PUBLIC SAFETY, STATE OF ALASKA:

1. Approval of the list of crimes for which citations may be used.
2. Initiation of training programs for A.S.T. personnel involved in the issuance of citations.

BY THE ALASKA COURT SYSTEM:

1. Approval of the use of the new Uniform Traffic Citation in connection with misdemeanor cases.
2. Approval of the use of the new Uniform Traffic Citation in lieu of a complaint in misdemeanor cases.
3. Providing appropriate notice to members of the judiciary of actions 1 - 2 above.
4. Initiation of appropriate training and orientation for court personnel involved in the processing of criminal

cases at the District Court level, and in the retention of court-related records.

5. Establishment of procedures to provide law enforcement personnel with arraignment dates to be used for misdemeanor citations.

BY THE ANCHORAGE DISTRICT ATTORNEY:

1. Approval of the practice of substitution of the new Uniform Traffic Citation for the complaint in misdemeanor cases in which a citation has been issued.
2. Initiation of appropriate orientation for members of his staff on the misdemeanor citation program.

BY ONE OR ALL OF THE AGENCIES:

1. Development of a well coordinated publicity program in advance of initiation of the program. This publicity is considered by the Task Force to be essential. It should provide the public with a firm understanding of why the program is being used, what benefits it will provide, how it will function. etc.

Such a publicity program should reduce the chances of public misunderstanding as to the objectives of the program and increase the likelihood of its overall success.

SUGGESTED POLICY FORMAT

INTRODUCTION AND BACKGROUND

This section should provide department personnel with the reasons why the citation program is being introduced. Items which the department may wish to stress in this section include, but are not limited to:

1. Time saved in transporting and booking arrestees.
2. Officer remains in patrol area for longer periods of time during shift, thus is available more frequently to handle more important calls for service.
3. Improved relations with members of the community.
4. More jail space for more serious offenders.

This section should be written in a positive manner placing emphasis on the program's assets to the officers, the department and the citizens, preferably in that order.

PROCEDURES

This section should detail the manner in which the citation should be issued, the criteria for release, the crimes for which release by citation may be considered, the crimes for which it may not be used, when minors (persons 18 and 19) may be cited, etc.

The section should also indicate the manner in which evidence is to be processed.

NOTE: The departments may wish to refer to the Juneau and New York City policy and procedures statements provided in the appendices for examples of the types of information which should be addressed in a policy and procedure statement.

SUGGESTED TRAINING FORMAT

PHASE ONE

The first training sessions should deal exclusively with the reasons behind the new policy, what it is intended to accomplish and the benefits it holds for department personnel. Since there is likely to be some resistance to a concept which results in the freeing in the field of an individual who has committed a crime, this issue should be met head on.

One way this can be accomplished is to place the issuance of the citation in the context of what it substitutes for - release on bail or O.R. The point should be made that most of the individuals arrested for misdemeanors are released in this fashion anyway, but only after the officer has spent a considerable amount of time away from patrol.

It should be assumed that some officers will view the time an individual spends in jail trying to post bail, or awaiting arraignment as the only "punishment" that individual is likely to receive. The training session should deal frankly with this issue if it arises, which it likely will. The training should stress that it is not part of the police role to decide on punishment. That is for the courts to decide.

The other officers should be told that the citation is simply another tool available to them in the performance of their duties. It compliments the discretion that is

inherent in their role. They should be informed that it is not something unique to their department. Reference should be made to the fact that Juneau has been using it since August of 1975.

PHASE TWO

The second phase of training should deal exclusively with the types of crimes in which the citation can be used and those in which it cannot.

Stress should be placed on the fact that each case will be different and that the decision whether or not to issue a citation will depend entirely on the circumstances in the case.

The officers should have the differences between the types of crimes in which the citation can be used and those in which it cannot be used explained to them as the first means of pointing out differences. Trainers should stress the elements of the crimes in which the citation will not be used as a means of driving home the various points about circumstances which distinguish criminal activity. In all cases, efforts should be made to relate those circumstances to the underlying rationale of the citation: will it insure that the defendant will appear in court at subsequent hearings.

Heavy reliance should be placed on the use of examples. The trainer should give an example and ask whether or not

a citation should be considered. It is important to remember that at this point the training is only concerned with crimes, not with the background of the individual under arrest.

PHASE THREE

This phase of the training should deal with the criteria for arrest. Each criterion should be explained and the reasons why it is important gone over carefully. Training in this area should follow the sequence of inquiry likely to be followed in the majority of cases.

Role playing may be the best technique for this phase of training. A number of circumstances should be used to demonstrate a variety of cases. The role playing should attempt to demonstrate cases in which the person under arrest has only a little hard identification on his person; cases in which the individual may be a first time offender and is extremely tense; cases in which the individual is apparently evasive in answering; cases in which the individual is hostile at first, but as the concept of release on citation is explained, becomes more cooperative; etc. The object of the role playing is to give the officers a feel for the kinds of circumstances they are likely to encounter in the average case and the manner in which they should proceed.

PHASE FOUR

This phase of training should deal with the manner in which a citation is prepared. Stress should be placed on the fact that the form is one which they use daily in traffic cases, that it is not a new form.

Most of the training should deal with practicing writing probable cause statements which will fit in the space allotted on the citation. It may be useful in this phase of training to develop some take-home exercises which would contain sample fact patterns relating to crimes with which an officer may experience the most frequent use of the citation. The officers would use those fact patterns to draft probable cause statements. In a subsequent class, the officers would be called upon to read their drafts and the remainder of the class would join in offering constructive criticisms, when warranted.

PHASE FIVE

This phase of the training could deal with procedures decided on by each agency related to the use of citations, such as searches and seizures, handling of evidence, fingerprinting and photographs, etc.

PHASE SIX

This phase would be a series of wrap-up sessions which would review the entire program.

NOTE: It goes without saying that training is critical to the successful implementation of this program. The overall objectives of the program will be best served by taking extra time in the training phases to insure that all officers understand fully all the procedures involved.

Time required for any training is always an "iffy" question. In this case a minimum of six to ten hours seems to be required. It might be advisable to reserve time in roll call sessions once the program is started during the first weeks for question and answer sessions among the officers. This would permit them to discuss actual cases and problems with them which were not resolved satisfactorily during the initial training phases.

AREAS FOR FURTHER STUDY

In the course of addressing issues related to this project, the Task Force identified three issues which they feel warrant further study.

First is the desirability of broadening statutory authority for release upon the issuance of a citation to include felony cases where appropriate. In this regard the Task Force endorses the recommendation of the Courts Task Force of the Alaska Standards and Goals Project, that authority to release on the issuance of a citation be expanded to include felony offenses.

Second, the Task Force recommends that the legislature investigate the feasibility of expanding the concept of "mail in bail" now in use in connection with traffic offenses to misdemeanor offenses. Members of the Task Force felt that there might be some instances, especially in bush areas of Alaska, in which offenses occurred which are classified as misdemeanors but are not related to actions normally perceived as criminal, such as fish and game violations, where the violator might wish to forgo the time and expense of court appearances in favor of paying a pre-determined fine.

Third, the Attorney General's office should develop a series of "boilerplate" probable cause statements for various crimes. The Task Force is aware that such a document was developed in the mid-sixties and that revision of it may already be under way.

In either case, the Task Force recommends that such a document be prepared and made available to all District Attorneys and their staffs and to all law enforcement agencies. The Task Force believes that such a document will be useful not only in connection with the citation program, but also in connection with recruit and in-service training programs.

APPENDIX ONE

AS 12. 25. 180 et. seq.

Sec. 12.25.180. When peace officer has option to take person before judge or magistrate. When a person is stopped or contracted by a peace officer for the commission of a misdemeanor or the violation of a municipal ordinance, he may, in the discretion of the contracting peace officer, be issued a citation instead of being taken before a judge or magistrate under § 150 of this chapter, unless

(1) the person does not furnish satisfactory evidence of identity or the contacting officer has reasonable and probable cause to believe the person will disregard a written promise to appear in court;

(2) the contacting officer has reasonable and probable cause to believe the person is a danger to himself or others;

(3) the crime for which the person is contacted is one involving violence or harm to another person or to property; or

(4) the person asks to be taken before a judge or magistrate under § 150 of this chapter. (§ 1 ch 31 SLA 1973; am § 19 ch 127 SLA 1974)

Effect of amendment.—The 1974 amendment substituted “stopped or contacted by a peace officer” for “arrested” and “contacting peace officer” for “arresting peace officer” in the introductory language, “contacting officer” for “arresting officer” in paragraphs (1) and (2), and “contacted” for “arrested” in paragraph (3).

Legislative committee reports.—For report on ch. 31, SLA 1973 (SB 25), see 1973 Senate Journal Supplement No. 7, p. 2. For report on ch. 127, SLA 1974 (SCSHB 817 am S), see 1974 House Journal, p. 657.

Sec. 12.25.190. When person to be given five-day notice to appear in court. (a) When a person is contacted by a peace officer and the peace officer exercises the option provided for in § 180 of this chapter, the officer shall prepare a written citation and issue it to the person.

(b) The time specified in the notice to appear shall be at least five days after the alleged violation or the issuance of the citation, whichever is later, unless the person cited requests an earlier hearing.

(c) The person cited for the crime shall give his written promise to appear in court by signing at least one copy of the written citation prepared by the peace officer and the officer shall deliver a copy of the citation to the person. (§ 1 ch 31 SLA 1973; am § 20 ch 127 SLA 1974)

Effect of amendment.—The 1974 amendment substituted “contacted by a peace officer” for “arrested” and deleted “arresting” preceding “peace officer exercises” and “arrested” preceding “person” in subsection (a), substituted “issuance of the citation” for “arrest” and “cited” for “ar-

rested” in subsection (b), and substituted “cited” for “arrested” in subsection (c).

Legislative committee report.—For report on ch. 127, SLA 1974 (SCSHB 817 am S), see 1974 House Journal, p. 657.

Sec. 12.25.200. Form for citations. The chief administrative officer of each law enforcement agency in the state is responsible for the issuance of books containing appropriate citations, and shall maintain a record of each book and each citation contained in it and shall require and retain a receipt for every book issued to a peace officer. (§ 1 ch 31 SLA 1973)

Sec. 12.25.210. Disposition and records of citations. (a) A peace officer, upon issuing a citation to an alleged violator under § 180 of this chapter, shall deposit the original or a copy of the citation with a court having jurisdiction over the alleged offense.

(b) Upon the deposit of the original or a copy of the citation with a court having jurisdiction over the alleged offense, the original or copy of the citation may be disposed of only by trial in the court or other official action by a magistrate or judge of the court.

(c) It is unlawful and official misconduct for a peace officer or other officer or public employee to dispose of a citation or copies of it or of the record of the issuance of the citation in a manner other than as required in this section.

(d) The chief administrative officer of each law enforcement agency shall require the return to him of a copy of every citation issued by an officer under his supervision to an alleged violator of a law or ordinance and of all copies of every citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

(e) The chief administrative officer shall also maintain in connection with every citation issued by an officer under his supervision a record of the disposition of the charge by the court in which the original or copy of the citation was deposited. (§ 1 ch 31 SLA 1973)

Sec. 12.25.220. When copy of citation considered a lawful complaint. If the form of citation provided under § 200 of this chapter includes information and is sworn to as required under the laws of this state in respect to a complaint charging commission of the offense alleged in the citation, then the citation when filed with a court having jurisdiction is considered to be a lawful complaint for the purpose of prosecution. (§ 1 ch 31 SLA 1973)

Sec. 12.25.230. Failure to obey citation. A person who violates his written promise to appear given to a peace officer upon the issuance of a citation under §§ 180—220 of this chapter, regardless of the disposition of the charge for which the citation was issued, is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both. (§ 1 ch 31 SLA 1973)

APPENDIX TWO

JUNEAU POLICE DEPARTMENT POLICY ON CITATIONS

MEMORANDUM

THE CITY AND BOROUGH OF JUNEAU

CAPITAL OF ALASKA

155 SOUTH SEWARD ST. JUNEAU, ALASKA 99801

TO: All Enforcement Personnel

DATE: August 4, 1975

FILE NO. 75

SUBJECT: Policy & Procedure

FROM: J. H. Barkley
Chief of Police

Introduction

To better utilize available man-hours and to prioritize the use of that time in the most productive manner is one of our primary concerns and many avenues are being explored. One time consuming procedure is transportation and booking of prisoners. It is possible with certain procedural changes, valuable officer time can be saved.

It is also possible other long range benefits may be derived from the change in procedure being considered such as; citizen attitude toward police, better reports due to less need for rush and certainly less expense for prisoner mandays for in-out booking.

It is also possible certain disadvantages may become apparent requiring modification and/or rescission of the procedure.

One disadvantage, apparent at the outset, is the fact photos and prints will not be taken. Therefore the arrest record will not be recorded and available on a statewide or nationwide basis, unless and until the court system begins providing information consistently.

The primary purpose of physical detention prior to court sentence is:

- (1) to assure appearance to answer for the crime; and/or
- (2) to prevent harm to others or to the person in custody.

As I am sure you are all aware, many misdemeanor offenses are without bail and O.R. releases are prescribed by the court. In those cases the only advantage is the photo and/or prints, which is a dubious value in most instances as compared to the time and money expended in the exercise and the possible reinforcement of a particular citizen's belief the police are the "black hats" of the criminal justice system. We are placed in the roll of "scapegoats". In the final analysis it only makes our task more difficult.


With all of the foregoing in mind, I am initiating these policy guidelines on a trial basis and with full expectation that all members will observe them without fail.

I emphasize, it is the responsibility of each member to immediately bring to the attention of his supervisor any problem these procedures may present, so evaluation can be made as to whether or not the procedures require modification or elimination.

TO: All Enforcement Personnel

DATE: August 29, 1975

FILE NO. 75

SUBJECT: Policy & Procedure
Page 2FROM: J. H. Barkley 
Chief of PoliceProcedures

A. No juvenile (person under 18) will be booked at SCC except under the following circumstances.

1. A felony is committed.
2. Joyriding.
3. On a detention order.
4. A misdemeanor offense, other than minor traffic, is committed and the parent or guardian cannot be contacted or will not come to the department to accept custody.

If the parent or guardian cannot, for some reason, come to the department, the juvenile will be taken home at the earliest possible time following being taken into custody, provided he resides within service area #1 or #2. If possible, AST may transport outside the service areas.

A complete report of the offense committed will be prepared and routed to D.O.C..

B. Minors (persons 13 to 19) and adults (persons 19 and over) will be issued a misdemeanor citation for the following misdemeanor offenses (see exceptions):

1. Any liquor violation (see exception for intoxicated minor).
2. Drug violation (see exception for minor).
- Harassment.
4. Gambling.
5. Malicious mischief.
6. Vandalism.
7. Trespass.
8. Shoplifting and petty larceny.
9. Contributing to delinquency of minor.
10. Disorderly conduct (see exception).
11. Drunk behind the wheel.
12. Failure to pay fare.
13. Hit and run minor damage.
14. Fireworks - discharge of.
15. Vagrancy - loitering.
16. NSF check.
17. Refuse to assist an officer.
18. Reckless driving.
19. Simple assault (except on officer).
20. Minor A & B (except on officer).

MEMORANDUM

THE CITY AND BOROUGH OF JUNEAU

CAPITAL OF ALASKA

155 SOUTH SEWARD ST. JUNEAU, ALASKA 99801

TO: All Enforcement Personnel

DATE: August 29, 1975

FILE NO. 75

SUBJECT: Policy & Procedure
Page 3

FROM: J. H. Barkley
Chief of Police

21. OMVI (see exception).
22. Any other misdemeanor where, in the officer's opinion, there is no compelling or justifiable reason to continue physical custody.

In every instance, the person is to be placed under actual arrest and be detained, and be advised of his rights in order that any subsequent search and questioning is legal. After the arrest and after preliminary investigation when and if the officer has determined there is no reason to continue custody, the citation is to be issued and release made.

In instances involving a charge of disorderly conduct, the issuance of a citation vs. booking will depend upon the specific portion of the statute under which the charge is placed.

If it involves loud noise or the mere challenge to fight, issue a citation. If it involves actual fighting, then probably the person or persons should be booked, depending upon who is the challenger, what was the provocation, the extent of the fight, what damage was incurred and who the fight was with.

If the fight was between brothers or other members of a family, a citation may be warranted, but a fight with an officer or some relatively innocent citizen should result in a booking.

Anyone who refuses to sign the citation will be booked, as will anyone who is violent in behavior in addition to the violation.

If an officer justifiably determines a person should go to SCC in lieu of a citation, he may so proceed. However he shall set out in his report the reasons for that determination, which may include:

1. The charge and detention is necessary to hold someone in protective custody who is a danger to others and where there are no other facilities available or willing to maintain needed custody.
2. The officer has reasonable grounds to believe the person will not appear in court.
3. The person commits the same or another offense within a relatively short period of time, or there is probable cause to believe the same or another offense will be committed unless custody is continued.

Any minor (person 18 to 19) who is intoxicated will be released only to his or her parent or guardian. If a parent or guardian cannot be

MEMORANDUM


THE CITY AND BOROUGH OF JUNEAU
CAPITAL OF ALASKA
155 SOUTH SEWARD ST. JUNEAU, ALASKA 99801

TO: All Enforcement Personnel

DATE: August 29, 1975

FILE NO. 75

SUBJECT: Policy & Procedure
Page 4

FROM: J. H. Barkley 
Chief of Police

contacted or will not come to the department and accept custody, the minor will be booked at SCC.

A minor who is found in violation of the drug laws should be released only to his or her parent or guardian. However, if the parent or guardian cannot be contacted or will not come to the department, the minor may be released or booked depending upon the circumstances of the violation; i.e. amount of drugs, environment in which found, previous history, whether living with parents, and etc.

In the case of OMVI'S, the person's vehicle is to be impounded unless there is a sober, legally licensed driver who can or will take the vehicle with the owner's permission. If impounded, the vehicle is not to be released unless and until the owner is sober.

Once the violator has been processed (field tests, video, Breathalyzer and etc.), he may be released, provided he has transportation home which may be by cab at his expense, by some friend or relative or by the department, provided it is within service area #1 or #2, and the time is available.

As with all policy guidelines, deviation can and should occur where circumstances dictate another course. However, deviation will be based upon sound reason rather than individual whim or personal desire to "give the citizen a lesson".

JHB/ph

APPENDIX THREE

NEW YORK CITY POLICE DEPARTMENT PROCEDURES AND FORMS
FOR UNIFORM SUMMONS PROGRAM



DESK APPEARANCE TICKET
(GENERAL PROCEDURE)

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
11-19-73	11-19-73	73-9	1 of 3

PURPOSE

To issue a Desk Appearance Ticket in lieu of detention.

DEFINITION

Desk Appearance Ticket (herein referred to as D.A.T.) an appearance ticket issued in lieu of detention, by direction of a station house officer, on department form DESK APPEARANCE TICKET (PD260-121), for misdemeanors and violations except:

- Arrest on Warrant
- Photographable offenses
- Prisoner under the influence of drugs or alcohol to the degree that he may endanger himself or others
- Admitted drug addict (unless undergoing treatment at authorized Methadone Treatment Center).

LEGAL REFERENCE

Article 150, Criminal Procedure Law.

PROCEDURE

When processing a prisoner charged with a misdemeanor or violation (note exceptions above), follow normal arrest procedure and:

S.H. OFFICER

- Inform prisoner that he may be issued a D.A.T. in lieu of detention if he qualifies.
- Direct arresting officer to make name check with:
 - Central Warrant Unit
 - Identification Section - if charged with one of the offenses listed below to ascertain if a previous conviction would raise the current charge to a felony.

CURRENT CHARGE

220.50 P.L.
1192, Subd. 2 or 3 V.T.L.
1192, Subd. 4 V.T.L.
380 V.T.L.
392a V.T.L.

Article 16, Election Law (Elective Franchise)
152 A.B.C. Law
154 A.B.C. Law

D 46-18.0, Admin. Code -
.481 N.Y.S. Tax Law

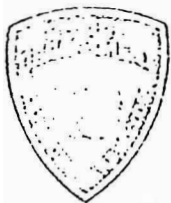
PREVIOUS CONVICTION

220.50 P.L.
1192, Subd. 2 or 3 V.T.L. within 10 years
1192, Subd. 4 V.T.L. within 10 years
2 for 380 V.T.L.

392a V.T.L. within 10 years
Any crime in Article 16, Election Law
152 or 154 A.B.C. Law
152 or 154 A.B.C. Law

2 for D 46-18.0, Admin. Code

- If prisoner is wanted by Central Warrant Unit, notify wanting agency of arrest, arraignment date and that identification is based on name check only.
 - Do not raise current charge to a felony on ARREST REPORT on basis of telephone information from Identification Section.
- Inform prisoner he is not eligible for D.A.T. if:
 - He is wanted, or
 - He has a previous conviction which could raise the current charge to a felony.

DESK APPEARANCE TICKET
(GENERAL PROCEDURE)

DATE ISSUED

11-19-73

DATE EFFECTIVE

11-19-73

REVISION NUMBER

73-9

PAGE

2 of 3

S.H. OFFICER

4. Direct issuance of D.A.T. without further investigation if prisoner is eligible and is a reputable citizen, or, where doubt of reputability exists, inform prisoner he may be issued a D.A.T. if he consents to an investigation and is found eligible.

ARRESTING
OFFICER

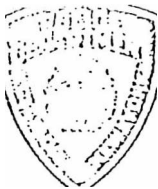
5. Conduct interview using DESK APPEARANCE TICKET INVESTIGATION (PD360-091).
6. Total point score and deliver DESK APPEARANCE TICKET INVESTIGATION to station house officer.

S.H. OFFICER

7. Make sure all captions are answered and verify totals.
8. Sign approval or disapproval dependant upon:
 - a. Circumstances of crime
 - b. Previous criminal record
 - c. Total points attained (minimum 5)
 - d. Whether prisoner is incapacitated due to drugs or alcohol.
9. File DESK APPEARANCE TICKET INVESTIGATION report.
10. Inform prisoner found to be ineligible for D.A.T. on the basis of the D.A.T. Investigation report that he may be processed for bail under provisions of bail procedure.
11. Direct arresting officer to prepare two (2) copies of WARRANT INVESTIGATION REPORT (PD374-152).
12. Cause two (2) front view, head and shoulders, polaroid photos to be taken of prisoner.
 - a. Stamp back of each photo and fill in stamp captions.
13. Attach one polaroid photo to each WARRANT INVESTIGATION REPORT.

ARRESTING
OFFICER

14. Prepare one set of D.A.T. returnable on a day tour, excluding Saturday, Sunday and holidays, not less than ten (10) or more than thirty five (35) days from date of issuance, except:
 - a. Co-defendant cases - if one of the prisoners is ineligible for D.A.T., make D.A.T. issued to any eligible prisoner returnable at time and place of arraignment of co-defendant.
 - b. In Manhattan - do not make returnable on Friday.
 - c. In Bronx, Brooklyn and Queens - members of Tactical Patrol Unit, Area Task Force and special units who ordinarily work third (3rd) platoon or fourth (4th) platoon, make returnable time 1800 hours.
15. Make D.A.T. returnable to arraignment part of Criminal Court, except if:
 - a. Returnable to Family Court
 - b. Peddling offense returnable to Criminal Court, Part 7
 - c. Necessary to permit arraignment of all co-defendants in same part of court.



DESK APPEARANCE TICKET
(GENERAL PROCEDURE)

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
11-19-73	11-19-73	73-9	3 of 3

ARRESTING
OFFICER

16. Enter name, address and telephone number of civilian complainant, if any, in space marked, "Additional Instructions", on original copy of D.A.T. only.

S.H. OFFICER

17. Enter on ARREST REPORT:
- Under "Details", whether summons investigation was conducted and results.
 - Under "Disposition of Prisoner", check "other" and enter D.A.T. control number, return date and court.
18. Enter return date in diary.
19. Assign control number and make entry on DESK APPEARANCE TICKET INDEX (PD 260-122). Attach fingerprints and WARRANT INVESTIGATION REPORT. Forward per instructions on form.
20. Distribute D.A.T. per instructions on form.

ON THE SCHEDULED ARRAIGNMENT DATE

ARRESTING
OFFICER

21. Secure original and pink copy of D.A.T. and prisoner's RAP sheet, if any, from the Police Room Supervisor.
- If RAP sheet indicates previous conviction necessitating change to felony, confer with A.D.A.
22. Draw up complaint and arraign prisoner.

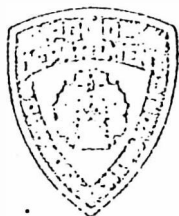
ADDITIONAL DATA

A prisoner held in a Department detention facility awaiting arraignment, who is intoxicated, including a person arrested for intoxicated or alcohol impaired driving, but otherwise eligible for a D.A.T. may be processed for a D.A.T. when the station house officer believes he is no longer under the influence of alcohol to the degree that he may endanger himself or others and understands the charges lodged against him and his obligation to appear in court.

The Court Division will act as depository for D.A.T. polaroid photos of defendants. Requests for return of polaroid photos made under Section 79c, Civil Rights Law, will be referred to the Court Division.

RELATED
PROCEDURE

Intoxicated or Impaired Driving Arrest
Bail



DESK APPEARANCE TICKET INVESTIGATION

PROCEDURE No.

110-17

DATE ISSUED 10-1-72	DATE EFFECTIVE 10-1-72	REVISION NUMBER	PAGE 1 of 2
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DESK APPEARANCE TICKET INVESTIGATION

PD 350-091 (Rev. 11/71)

Precinct 12	Precinct Control Number 431	Date of Report April 20, 1971
STATEMENT TO BE READ TO DEFENDANT: The crime with which you are charged may be processed in one of two ways: First, you may be detained until your court appearance and then possibly be held in bail. Second, by furnishing certain information concerning your background, employment and family, you may be found eligible for the issuance of a desk appearance ticket, in which case you may leave here today and return to court on your own on a specified date within the next three weeks. None of the questions you will be asked concern the crime with which you are charged. If you agree to be interviewed, you authorize the Police Department to verify the information by calling persons named by you as references.		
ACKNOWLEDGEMENT: I hereby consent to interview and verification of the information given.		Signature of Defendant <i>Doris A. White</i>
Date of Arrest 4/20/71	Time 1000	Location of Arrest 411 5th Ave
Within Precinct No. 12		
ARRESTING OFFICER Ptl. Charles F. Brown	1st Registry No. 1731428	Shield No. 1234
Command / Agency / Police P.D. 637-1212	Arrest No. 2534	

SECTION 1 - IDENTIFICATION AND RESIDENCE

Defendant's Surname White, Doris A.	First Name and Initial Doris A.	Date of Birth 12/7/41	Female <input checked="" type="checkbox"/> Male <input type="checkbox"/>	Single <input type="checkbox"/> Married <input checked="" type="checkbox"/>
Address (Number and Street) 246 Green Ave.	City or Post Office N.Y.	State N.Y.	How Long At Current Address 2 yrs	How Long At Previous Address 5 yrs
APR No. G	Telephone No. XL 9-8000	Proof of Identity (Driver's Lic., Auto Reg., I.D. Card, etc.) - Indicate Type and Serial Numbers W03462 56285 162349-41		

SEC. 1 SCORE	Residence Over 1 Year: 2 Points <input checked="" type="checkbox"/>	Present Residence—Six Months or Present and Prior—One Year: 2 Points <input type="checkbox"/>	Present Residence—Four Months or Present and Prior—Six Months: 1 Point <input type="checkbox"/>	Present and Prior—Under Six Months: 0 Points <input type="checkbox"/>	SCORE: 3 Points Verified <input checked="" type="checkbox"/> Interview <input type="checkbox"/>
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SECTION 2 - EARLY TIES

Lives With (Name) William White	Relationship Husband	If Married, Name of Defendant's Spouse GOME	Number of Children 1
If Separated, Spouse's Address: OR If Minor Not Living At Home, Parent's Address		Telephone No.	

Relatives in The N.Y.C. Area That Defendant Keeps In Close Contact With:

Name	Address	Telephone No.	Relationship	How Often Seen
Mildred Gold	240 E. 42nd. St. Manh.	YK 2-1234	Mother	weekly

SEC. 2 SCORE	Lives With Family And Has Regular Contact With Other Family Members: 3 Points <input checked="" type="checkbox"/>	Lives Alone But Has Regular Contact With Other Relatives: 1 Point <input type="checkbox"/>	Lives With Family But Not In Close Contact With Other Family Members: 2 Points <input type="checkbox"/>	Lives Alone Or With Non-Family Person And Has No Contact With Relatives: 0 Points <input type="checkbox"/>	SCORE: 3 Points Verified <input checked="" type="checkbox"/> Interview <input type="checkbox"/>
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SECTION 3 - EMPLOYMENT

Currently Employed By N.Y. Telephones Co.	Address 18 River St. Bronx	Telephone No. KG 5-4321
How Long 5 mo.	If Under 1 Year, How Long At Previous Job 3 yrs	Type of Work Telephone Operator
If Housewife Or Minor	Husband's or Parent's Occupation Business Address	Name of Immediate Supervisor Alex G. Bell

SEC. 3 SCORE	Score Housewife Or Minor On Husband's Or Parent's Occupation	Current Job Over One Year: 3 Points <input type="checkbox"/>	Current Job Over Six Months: 2 Points <input type="checkbox"/>	Present Job Between Six Months or Reported By Family Or Present and Prior Job—Six Months: 1 Point <input checked="" type="checkbox"/>	Unemployed Or Not Otherwise Supported: 0 Points <input type="checkbox"/>	SCORE: 1 Points Verified <input type="checkbox"/> Interview <input checked="" type="checkbox"/>
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SECTION 4 - PRIOR ARRESTS AND CONVICTIONS

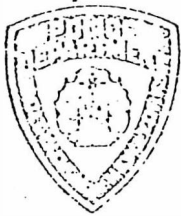
Have You Ever Been Arrested Before Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	How Many Times, On What Charges 1 Pros. 230.00 PL
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Investigating Officer Must Conduct Name Check By Telephoning The Identification Section And, In The Case Of A Minor, The Youth Records Section.
Name Check Del./Ptl. (Trainer) Silver Ident. Sec./Youth Records

SEC. 4 SCORE	No Previous Convictions: 2 Points <input type="checkbox"/>	One Misdemeanor Or Violation Conviction: 1 Point <input checked="" type="checkbox"/>	Two Misd. Or Viol. Convictions Or One Felony Conviction: 0 Points <input type="checkbox"/>	Three Misd. Or Viol. Convictions Or Two Felony Convictions: Minus (-) 1 Point <input type="checkbox"/>	Four Or More Misd. Or Viol. Convictions Or Three Or More Felony Convictions: Minus (-) 2 Points <input type="checkbox"/>	SCORE: 1 Points Verified <input checked="" type="checkbox"/> Interview <input type="checkbox"/>
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FRONT

NEW YORK CITY POLICE DEPARTMENT



DESK APPEARANCE TICKET INVESTIGATION

DATE ISSUED

10-1-72

DATE EFFECTIVE

10-1-72

REVISION NUMBER

PAGE

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SECTION 5 — DISCRETIONARY INFORMATION

Medical History	Are You Under A Doctor's Or Hospital Treatment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Name Of Doctor Or Hospital	Location	How Often
Financial Assistance	Do You Receive Any Financial Assistance (Welfare, Unemployment Insurance, Etc.) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Name And Address Of Agency		
School Or Training	Are You Currently Enrolled In A School Or Training Program? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Name And Address		Grade Or Length Of Course
SEC. 87(2)(b)	FAVORABLE—Pregnancy, Old Age, Poor Health, Continuous Medical Treatment, Gets Financial Aid, Attends School, Etc. 1 Point <input checked="" type="checkbox"/>	NEUTRAL—No Evidence On Which To Base Discretionary Opinion. 0 Points <input checked="" type="checkbox"/>	UNFAVORABLE—Vague Answers, Lie Detected, Transient Background Minus(-) 1 Point <input type="checkbox"/>	SCORE: 0 Points Verified <input type="checkbox"/> Interview <input checked="" type="checkbox"/>

SECTION 6 — LENGTH OF TIME IN THE NEW YORK CITY AREA

SEC. 87(2)(b)	How Long Have You Lived In The New York City Area?	Over Ten Years 1 Point <input checked="" type="checkbox"/>	Under Ten Years 0 Points <input type="checkbox"/>	SCORE: 1 Points Verified <input type="checkbox"/> Interview <input checked="" type="checkbox"/>
TOTAL POINTS	Total Points Scored By Defendant On Interview	9	Total Points Scored By Defendant On Verification If Conducted	7

REFERENCES: Names Supplied By Defendant Of Persons Who May Verify The Information Given By Him. Defendant Must Supply The Names Of References Regardless Of Whether Or Not Verification Is To Be Conducted.

Name	Address	Telephone No.	Occupation	Relationship
Mildred Gold	240 E. 42nd St	YK2-1234	Housewife	Mother

VERIFICATION INTERVIEW

Person Interviewed	Surname White	First Name William	Address—Number And Street 246 Green Ave.	City Or Post Office N.Y.C., N.Y.
Telephone No.	Relationship To Defendant	Years Known	STATUS VERIFIED	
959-9000	Husband	10	Identification <input checked="" type="checkbox"/>	Residence <input checked="" type="checkbox"/>
Additional Information Supplied And Discrepancies			Employment <input type="checkbox"/>	Discretionary Info. <input type="checkbox"/>
Length Of Time In N.Y.C. Area ()				

Reference's Physical Description Of Defendant

Blonde hair, blue eyes, 5'-5", 120lbs., wears glasses

INVESTIGATOR'S REPORT

Identity Of Investigator	Rank, Title Ptl.	Surname (Print) Brown, Charles F.	First Name	Shield No. 1234	Command/Agency 12 Pct
RECOMMENDATION OF INVESTIGATOR: DESK APPEARANCE TICKET <input checked="" type="checkbox"/> RECOMMENDED <input type="checkbox"/> NOT RECOMMENDED					
Signature Of Investigator <i>Charles F. Brown</i>					

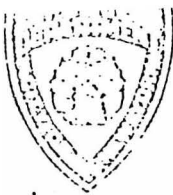
DESK OFFICER'S REPORT

1. Recommendation Of Investigator	ACCEPTED <input checked="" type="checkbox"/> REFUSED <input type="checkbox"/>				
2. Desk Appearance Ticket Issued	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>				
3. If Issued: Return Date	4/30/73	Court Port	AB 2	Borough	Manh.
4. Arrest No.	2534	Desk Appearance Ticket Control No.	431		
5. Signature Of Desk Officer	<i>LT Andrew Blue</i>	Rank	12 Pct.	Shield No.	Command

ADDITIONAL REMARKS (Reason For Refusal Of Desk Appearance Ticket Recommendations, Etc.)

BACK

NEW YORK CITY POLICE DEPARTMENT



DESK APPEARANCE TICKET

DATE ISSUED 10-1-72	DATE EFFECTIVE 10-1-72	REVISION NUMBER	PAGE 1 of 1
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POLICE DEPARTMENT
NEW YORK, N. Y. 10013

THE PEOPLE OF THE STATE OF NEW YORK VS.	TCY. 12	SERIAL NO. 431	ARREST NO. 2534
DEFENDANT'S NAME Doris A. White	ADDRESS 246 Green Ave. Manh.	AGE Apt. 6 29	DATE OF BIRTH 12/7/41

You are hereby summoned to appear in the Criminal Court of the City of New York, to answer a criminal charge made against you.

OFFENSE CHARGED

Petit Larceny 155.25 PL

COUNTY N.Y.	PART AR 2	ADDRESS/LOCATION 100 Centre St.	TIME 9:30 A.M.	DATE MO./DAY/YR. 4/30/71
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INSTRUCTIONS FOR DEFENDANT

YOU MUST APPEAR AT THE TIME AND DATE INDICATED ABOVE AND PRESENT THIS FORM TO THE COURT CLERK

Should you fail to appear for the offense charged above, in addition to a warrant being issued for your arrest, you may be charged with an additional violation of the Penal Law which upon conviction may subject you to a fine, imprisonment or both. Additionally, if you fail to comply with the directions of this Desk Appearance Ticket, any bail paid will be subject to forfeiture.

ADDITIONAL INSTRUCTIONS

CODEFENDANTS IF YES, NAMES

☒ YES ☐ NO Mary G. Black

ACKNOWLEDGEMENT OF DEFENDANT:

I, the undersigned, do hereby acknowledge receipt of the above DESK APPEARANCE TICKET, personally served upon me, and do agree to appear as indicated.

FINGERPRINTED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	SIGNATURE OF DEFENDANT <i>Doris A. White</i>	TIME 1045	DATE 4/20/71
	PHOTOGRAPHED BY	TIME	DATE

RANK/NAME Ptl. Charles E. Brown	ARRESTING OFFICER	TAX REG. NO. 731428	SHIELD 1254	SQUAD 11	COMMAND AGENCY 12 Pct.
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ADDRESS OF AGENCY IF OTHER THAN POLICE DEPT.

☐ CASH BAIL ACCEPTED (If applicable)

AMOUNT \$

RANK/SIGNATURE OF ARRESTING OFFICER

DATE

DESK OFFICER'S SIGNATURE

Ptl. Charles E. Brown

4/20/71

Lt. Andrew Blue

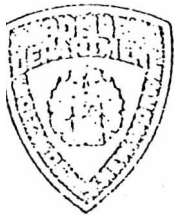
DISTRIBUTION: Prepare 4 copies. Copies 1 and 3 to fax terminal, copy 2 to defendant and copy 4 to precinct file with Arrest Report.

DESK APPEARANCE TICKET

PD 250-121 (REV. 10-71)

ACTUAL SIZE 8 1/2 x 11

NEW YORK CITY POLICE DEPARTMENT



DESK APPEARANCE TICKET METHADONE PATIENT

DATE ISSUED

10-1-72

DATE EFFECTIVE

10-1-72

REVISION NUMBER

PAGE

1 of 1

PURPOSE

To issue a DESK APPEARANCE TICKET to a methadone patient.

DEFINITION

Methadone Patient - A patient of an authorized methadone narcotic treatment center.

PROCEDURE

Follow normal arrest procedure and in addition, if prisoner produces documentary evidence indicating he is a methadone patient:

S.H. SUPERVISOR

1. Call treatment center to check if the prisoner is a patient and is reporting regularly for treatment.
2. Direct summons investigation be conducted and, if eligible, issue a DESK APPEARANCE TICKET in accordance with ARRESTS-DAT GENERAL PROCEDURES.

ARRESTING
OFFICER

- 3 Enter on DESK APPEARANCE TICKET INVESTIGATION the name of person called and any other information (documents etc.) which verifies prisoners claim.
4. Schedule return date to prevent conflict with prisoner's appointment at treatment center.



DESK APPEARANCE TICKETS FOR PEDDLING ARRESTS

DATE ISSUED

10-1-72

DATE EFFECTIVE

10-1-72

REVISION NUMBER

PAGE

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PURPOSE

To conserve man hours in peddling arrests.

PROCEDURE

When a person is arrested for a peddling offense and qualifies for a D.A.T.:

MEMBER OF THE SERVICE

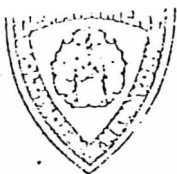
1. Issue D.A.T. returnable in Criminal Court — Part 7.
2. Prepare unnumbered UNIVERSAL SUMMONS which is used as court complaint.

S.H. CLERK

3. Staple complaints (unnumbered universal summons) as follows:
 - a. Part 1 (Complaint) - to original DAT
 - b. Part 2 (Agency copy) - to yellow copy of ARREST REPORT and 4th copy of DAT
 - c. Part 3 (Summons) - to be retained by arresting officer and kept with pink copy of ARREST REPORT.
4. Forward original and 3rd copy of DAT with complaint (unnumbered Universal Summons) to Criminal Court — Part 7 in white court envelope.

NOTE

Arresting officer is not required to appear in Criminal Court, Part 7, on return date.



DESK APPEARANCE TICKET — HOSPITALIZED PRISONER

DATE ISSUED

10-1-72

DATE EFFECTIVE

10-1-72

REVISION NUMBER

PAGE

1 of 1

PURPOSE

To issue a DAT to a hospitalized prisoner who was ineligible at the time of arrest due to physical or mental condition.

PROCEDURE

When a hospitalized prisoner has recovered sufficiently and is mentally alert:

*GUARDING MEMBER
OF THE SERVICE*

1. Notify station house supervisor of availability of the prisoner for a DAT.

S.H. SUPERVISOR

2. Direct patrol supervisor to determine the duration of prisoner's confinement.
3. Direct guarding officer to follow GENERAL DAT procedure.
4. Approve issuance of DAT by guarding member, if prisoner qualifies

*GUARDING MEMBER
OF THE SERVICE*

5. Make DAT returnable on date the arresting officer is scheduled for day duty (no less than 5 nor more than 28 days).

S.H. SUPERVISOR

6. Cause arresting officer to be notified.
7. Make following entries on ARREST REPORT or ARREST REPORT—SUPPLEMENT:
 - a. Return date of D A T.
 - b. D A T control number.
 - c. Court in which returnable.

*ARRESTING
OFFICER*

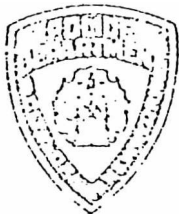
8. Determine on day prior to return date if prisoner is still hospitalized:
 - a. Ascertain approximate date of discharge, if still confined.
9. Inform court that prisoner is hospitalized.
10. Request adjournment to a day subsequent to prisoner's tentative release from the hospital.
12. Notify defendant of adjournment date through the station house supervisor of command in which hospital is located.

NOTE

If prisoner is ineligible for a DAT he may still be bailed. If the hospitalized prisoner is confined outside the precinct of record, the station house supervisor will notify the precinct where hospital is located that he has accepted bail (See Bail procedures). The member guarding the prisoner will fingerprint the prisoner, if required, make a name check with Central Warrant Unit, Court Division and issue DAT.

*RELATED
PROCEDURE*

Prisoners — Hospitalized Prisoners.



APPEARANCE TICKETS BY OTHER POLICE AGENCIES

DATE ISSUED
10-1-72DATE EFFECTIVE
10-1-72REVISION NUMBER
-PAGE
1 of 1*PURPOSE*

To assist other police agencies in conserving manpower.

DEFINITIONS

Other Police Agencies Housing, Port Authority, and Transit Police Departments.

*LEGAL REFERENCES*Section 1.20 subdivision 33u, Criminal Procedure Law
Section 1.20 subdivision 34e, Criminal Procedure Law
Section 150.20 Criminal Procedure Law.*PROCEDURE*

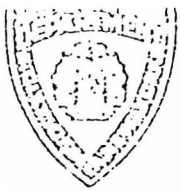
When notified by a superior officer of another police agency of the issuance of a DESK APPEARANCE TICKET by that agency:

S.H. SUPERVISOR

1. Assign D.A.T. control number.
2. Get required information for entry on DESK APPEARANCE TICKET CONTROL AND FORWARDING REPORT.
3. Require arresting officer and defendant to come to the station house only when the agency concerned is not equipped or arresting officer is not trained to take fingerprints.

NOTE

The other police agency is required to deliver fingerprints, copies of D.A.T., D.A.T. INVESTIGATION (PD 360-091) and an information copy of the ARREST REPORT to the precinct of arrest.



DESK APPEARANCE TICKET
COURT APPEARANCE—PRIOR TO RETURN DATE

DATE ISSUED
10-1-72

DATE EFFECTIVE
10-1-72

REVISION NUMBER

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1 of 1

PURPOSE

To conserve man hours and avoid unnecessary court appearances.

PROCEDURE

If a member of the service wants to draw his complaint prior to the return date of a DAT which he issued:

MEMBER OF THE
SERVICE

1. Secure the original and pink copy of the DAT and the defendants RAP sheet, if any, from the FAX terminal.
2. Have complaint drawn.
3. Deliver complaint without docket number, to Police Room Supervisor.
4. Swear to complaint before Police Room Supervisor.

POLICE ROOM
SUPERVISOR

5. Return complaint to FAX terminal for safekeeping until return date.
6. Have complaint docketed on return date and deliver to Clerk of appropriate arraignment part.

MEMBER OF THE
SERVICE

7. Notify station house supervisor that appearance on return date is not necessary.

S.H. SUPERVISOR

8. Delete scheduled court appearance from the Diary.



ARREST BY CIVILIAN COMPLAINANT
DESK APPEARANCE TICKET

DATE ISSUED
10-1-72

DATE EFFECTIVE
10-1-72

REVISION NUMBER

PAGE
1 of 3

PURPOSE

To eliminate court appearances by members of the service when arrest is effected on complaint of civilian.

DEFINITION

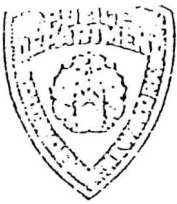
Civilian Complainant — Any person, other than a Police Officer or Special Patrolman, who alleges the commission of an offense by another, and who, upon arrest of the accused, is required to swear to the allegation in court.

PROCEDURE

When a person arrested by a civilian complainant, qualifies for a Desk Appearance Ticket, and the Assigned Member of the Service is not required to appear in court, the usual Arrest and Desk Appearance Ticket Procedures will be followed, including the following modifications and additional steps:

ASSIGNED
MEMBER

1. Prepare the following forms at station house at time of arrest:
 - a. Arraignment Card (301.1)
 - b. Bench Warrant Report (320)
 - c. Non-addict Report (CR-1N) (if defendant is enrolled in an authorized methadone treatment program, prepare form NACC CR-1 instead)
 - d. Pre-arraignment/Arraignment Report (Misc. 333) (When preparing this form, assigned member will adhere to the following instructions, as he will not be present in court to relate the circumstances to the Assistant District Attorney);
 1. Enter all required information completely and accurately
 2. Include telephone numbers, home and business addresses of defendant, complainant and witnesses
 3. Enter under "Narrative of Details", how member became aware of offense; where and how evidence was found; description of injury to complainant; statements or admissions by defendant regardless of opinion as to doubt of admissibility in court
Disregard suggested adjournment dates listed on form and be guided by the following when selecting available dates, in the event appearance is deemed necessary by court;
 - a. 1st - 1 to 2 weeks after return date
 - b. 2nd - 3 to 4 weeks after return date
 - c. 3rd - 5 to 6 weeks after return date
 5. Enter on bottom of form, request for excusal from subsequent court appearances and sign name.



ARREST BY CIVILIAN COMPLAINANT
DESK APPEARANCE TICKET

DATE ISSUED
10-1-72

DATE EFFECTIVE
10-1-72

REVISION NUMBER

PAGE
2 of 3

S.H. SUPERVISOR

2. Check forms for completeness and accuracy and sign rank and name below Assigned Member's signature on Pre-arraignment/Arraignment Report.
Invoice property held as evidence in the usual manner, if any.
4. Prepare "Court Appearance Instructions" for complainant.

NOTE

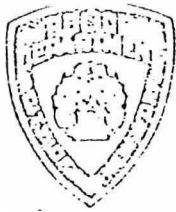
In Criminal Court cases in the boroughs of ^{Bronx + Queens} ~~Queens~~ only, the return ~~date~~ time will be changed to 1800 hours instead of 0930 hours.

Deliver "Court Appearance Instructions" and 2nd copy of DESK APPEARANCE TICKET (PD 260-121), to complainant and advise him of the following:

- a. Report to the Police Superior assigned to court on return date to execute complaint.
- b. Date and time to appear.
- c. Location of court.
- d. Room number where Police Superior is located.
6. Excuse Assigned Member from the case except if in the opinion of the station house supervisor, he possesses information which is material to the prosecution of the case, or his appearance is otherwise necessary.
 - a. Enter notation "Officer Excused" on the upper right hand corner of DAT above precinct serial number.
7. Staple the following forms together and forward with daily mail, to borough Fax Terminal with DESK APPEARANCE TICKET CONTROL AND FORWARDING REPORT
 - a. Arraignment Card
 - b. Bench Warrant Report
 - c. Non-Addict Report (or NACC CR-1)
 - d. Pre-arraignment/Arraignment Report
 - e. Original ARREST DISPOSITION REPORT (PD 244-152)
 - f. Original DESK APPEARANCE TICKET
 - g. Fingerprint forms (if prepared)
 - h. PRISONER'S MODUS OPERANDI AND PEDIGREE (PD244-141)
 - i. Judicial Conference form (JC 501)
 - j. Desk Appearance Ticket Investigation Report.

NOTE

Arrests made by Store Detectives who are NOT Special Patrolmen, require that a member of the service be assigned for the purpose of issuing the DESK APPEARANCE TICKET only. In these cases the additional forms listed will be prepared by the Store Detective at court and the member of the service need not appear in court on the return date.



ARREST BY CIVILIAN COMPLAINANT
DESK APPEARANCE TICKET

DATE ISSUED
10-1-72

DATE EFFECTIVE
10-1-72

REVISION NUMBER

PAGE
3 of 3

*ADDITIONAL
DATA*

Police superior assigned to the court will, on the return date, assign a member of his staff to assist the civilian complainant with the various court procedures. The member designated will also obtain evidence, if any, from the Property Clerk's Office (unless the member originally assigned to the arrest is subpoenaed to appear in court, in such cases he will obtain the evidence).

An arrest made on the complaint of a civilian complainant, recorded on Desk Appearance Ticket Control and Forwarding Report, will indicate the civilian complainant's name under caption "Complainant" and his telephone number under caption "Command/agency".

*RELATED
PROCEDURES*

Arrests - General
Arrests - By a Civilian
Desk Appearance - General

SUMMONS INVESTIGATION REPORT

Precinct

Precinct Control
Number

Date of Report

STATEMENT TO BE READ TO DEFENDANT: The crime with which you are charged may be processed in one of two ways: First, you may be detained until your court appearance and then possibly be held in jail. Second, by furnishing certain information concerning your background, employment and family, you may be found eligible for the issuance of a summons, in which case you may leave here today and return to court on your own on a specified date within the next three weeks. None of the questions you will be asked concern the crime with which you are charged. If you agree to be interviewed, I authorize the Police Department to verify the information by calling persons named by you as references.

**ACKNOWLEDGEMENT
OF DEFENDANT:**

I hereby consent to interview and
verification of the information given.

Signature of Defendant

Date of Arrest	Time	A.M. P.M.	Location of Arrest	Within Precinct No.
ARRESTING OFFICER	Rank/Title	Name	Shield No.	Command / Agency
Charge				Arrest No.

SECTION 1 — IDENTIFICATION AND RESIDENCE

Defendant's Surname	First Name and Initial	Date of Birth	Female <input type="checkbox"/> Male <input type="checkbox"/>	Single <input type="checkbox"/> Married <input type="checkbox"/>
Address (Number and Street)		City or Post Office	State	How Long At Current Address
Apt. No.	Telephone No.	Proof of Identity (Driver's Lic., Auto Reg., I.D. Card, etc. - Indicate Type and Serial Numbers)		
SEC. 1 SCORE	Residence Over 1 Year: 3 Points <input type="checkbox"/>	Present Residence—Six Months or Present and Prior—One Year: 2 Points <input type="checkbox"/>	Present Residence—Four Months or Present and Prior—Six Months: 1 Point <input type="checkbox"/>	Present and Prior— Under Six Months: 0 Points <input type="checkbox"/>
SCORE: _____ Points				Verified <input type="checkbox"/> Interview <input type="checkbox"/>

SECTION 2 — FAMILY TIES

Lives With (Name)	Relationship	If Married, Name of Defendant's Spouse	Number of Children
If Separated, Spouse's Address; OR If Minor Not Living At Home, Parent's Address		Number, Street, Borough, Apt. No.	Telephone No.

Relatives In The N.Y.C. Area That Defendant Keeps In Close Contact With:

Name	Address	Telephone No.	Relationship	How Often Seen

SEC. 2 SCORE	Lives With Family And Has Regular Contact With Other Family Members 3 Points <input type="checkbox"/>	Lives Alone But Has Regular Contact With Other Relatives 1 Point <input type="checkbox"/>	Lives With Family But Has No Other Family Contacts 2 Points <input type="checkbox"/>	Lives Alone Or With Non- family Person And Has No Contact With Relatives 0 Points <input type="checkbox"/>	SCORE: _____ Points
Verified <input type="checkbox"/> Interview <input type="checkbox"/>					

SECTION 3 — EMPLOYMENT

Currently Employed By	Name of Company	Address	Telephone No.
How Long	If Under 1 Year, How Long At Previous Job	Type of Work	Name of Immediate Supervisor
If Housewife Or Minor	Husband's or Parent's Occupation	Business Address	Telephone No.
SEC. 3 SCORE	Score Housewife Or Minor On Husband's Or Parent's Occupation		
Current Job Over One Year 3 Points <input type="checkbox"/>	Current Job Over Six Months 2 Points <input type="checkbox"/>	Present Job Between 1-6 Months or Sup- ported By Family Or Present and Prior Job—Six Months. 1 Point <input type="checkbox"/>	Unemployed Or Not Otherwise Supported 0 Points <input type="checkbox"/>
SCORE: _____ Points			
Verified <input type="checkbox"/> Interview <input type="checkbox"/>			

SECTION 4 — PRIOR ARRESTS AND CONVICTIONS

Have You Ever Been Arrested Before	How Many Times	On What Charges
Yes <input type="checkbox"/> No <input type="checkbox"/>		

Investigating Officer Must Conduct Name Check By Telephoning The Identification Section At 225-5600 And, In The Case Of A Minor, The Youth Records Section
Through The Communications Section, Ext. 7/184

Results Of Name Check	Det./PIU./Trainee	Ident. Sect./Youth Records				
SEC. 4 SCORE	No Previous Convictions 2 Points <input type="checkbox"/>	One Misdemeanor Or Violation Conviction 1 Point <input type="checkbox"/>	Two Misd. Or Viol. Convictions Or One Felony Conviction 0 Points <input type="checkbox"/>	Three Misd. Or Viol. Convictions Or Two Felony Convictions Minus(-) 1 Point <input type="checkbox"/>	Four Or More Misd. Or Viol. Convictions Or Three Or More Felony Convictions Minus(-) 2 Points <input type="checkbox"/>	SCORE: _____ Points
Verified <input type="checkbox"/> Interview <input type="checkbox"/>						



POLICE DEPARTMENT
NEW YORK, N. Y. 10013

		PCT.	SERIAL NO.	ARREST NO.
THE PEOPLE OF THE STATE OF NEW YORK VS.				
DEFENDANT'S NAME	ADDRESS	AGE	DATE OF BIRTH	

You are hereby summoned to appear in the Criminal Court of the City of New York, to answer a criminal charge made against you.

OFFENSE CHARGED				
COUNTY	PART	ADDRESS/LOCATION	TIME 9:30 A.M.	DATE MO./DAY/YR.

INSTRUCTIONS FOR DEFENDANT

YOU MUST APPEAR AT THE TIME AND DATE INDICATED ABOVE AND PRESENT THIS FORM TO THE COURT CLERK

Should you fail to appear for the offense charged above, in addition to a warrant being issued for your arrest, you may be charged with an additional violation of the Penal Law which upon conviction may subject you to a fine, imprisonment or both. Additionally, if you fail to comply with the directions of this Desk Appearance Ticket, any bail paid will be subject to forfeiture.

ADDITIONAL INSTRUCTIONS

CODEFENDANTS	IF YES, NAMES
<input type="checkbox"/> YES <input type="checkbox"/> NO	

ACKNOWLEDGEMENT OF DEFENDANT:

I, the undersigned, do hereby acknowledge receipt of the above DESK APPEARANCE TICKET, personally served upon me, and do agree to appear as indicated.

FINGERPRINTED <input type="checkbox"/> YES <input type="checkbox"/> NO	SIGNATURE OF DEFENDANT	TIME	DATE		
	PHOTOGRAPHED BY	TIME	DATE		
RANK/NAME	ARRESTING OFFICER	TAX REG. NO.	SHIELD	SQUAD	COMMAND/AGENCY
ADDRESS OF AGENCY IF OTHER THAN POLICE DEPT.					

☐ CASH BAIL ACCEPTED (If applicable)

AMOUNT \$

RANK/SIGNATURE OF ARRESTING OFFICER	DATE	DESK OFFICER'S SIGNATURE
-------------------------------------	------	--------------------------

DISTRIBUTION: Prepare 4 copies. Copies 1 and 3 to fax terminal, copy 2 to defendant and copy 4 to precinct file with Arrest Report.

DESK APPEARANCE TICKET

DPM-1104059/7.
PD 260-121 (REV. 12/7)

FAX TERMINAL


APPENDIX FOUR

CALIFORNIA FORMS FOR UNIFORM CITATIONS

[Form for Uniform Misdemeanor Citation]

FACE SIDE OF THE FORM

CITY OF _____	
NOTICE TO APPEAR	
- NO. 0001	
DATE _____ 19 _____	TIME _____ DAY OF WEEK _____
NAME (FIRST, MIDDLE, LAST) _____	
RESIDENCE ADDRESS _____	CITY _____
BUSINESS ADDRESS _____	CITY _____
DRIVERS LICENSE NO. _____	STATE _____ CLASS _____ BIRTHDATE _____
SEX _____ M F	HAIR _____ EYES _____ HEIGHT _____ WEIGHT _____ OTHER DES. _____
EMPLOYED BY _____	OCCUPATION _____
BIRTHPLACE _____	SOCIAL SECURITY NO. _____
VEHICLE LICENSE NO. _____	STATE _____
YEAR OF VEH. _____	MAKE _____ MODEL _____ BODY STYLE _____ COLOR _____
OFFENSE(S) _____	CODE _____ SECTION _____ DESCRIPTION _____
EVIDENCE SEIZED _____	BOOKING REQUIRED <input type="checkbox"/>
LOCATION OFFENSE(S) COMMITTED _____	
<input type="checkbox"/> OFFENSE(S) NOT COMMITTED IN MY PRESENCE. CERTIFIED ON INFORMATION AND BELIEF, I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON THE DATE SHOWN ABOVE AT ISSUING OFFICER _____	
(PLACE) _____ CALIF. SERIAL NO. _____	
NAME OF ARRESTING OFFICER - IF DIFFERENT FROM ABOVE _____	SERIAL NO. _____ VACATION DATES _____
WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE CHECKED BELOW.	
X SIGNATURE _____	
BEFORE A JUDGE OR A CLERK OF THE MUNICIPAL OR JUSTICE COURT (ADDRESS) _____	
DATE _____	TIME _____
_____	WITHIN 6 DAYS
FORM APPROVED BY THE JUDICIAL COUNCIL OF CALIFORNIA. REV. 11-10-02 P.C. 853.9	
SEE REVERSE SIDE	

 Gray areas indicate spaces subject to local or agency requirements.

[Form for Uniform Misdemeanor Citation]

REVERSE SIDE OF COURT COPY

BAIL:

The defendant is to be admitted to bail in the sum of _____
dollars.

Judge

BOOKING: (To be ordered only on request of arresting officer)
The defendant is ordered to report to the [Name of the arrest-
ing agency] at [Address] _____
and to be booked as provided by P.C. 853.6(g).

Judge

(THIS SPACE FOR REMITTANCE CONTROL MACHINE ENTRIES)

REVERSE SIDE OF VIOLATOR'S COPY

IMPORTANT - READ CAREFULLY

WARNING:

Willful failure to appear as promised is a separate violation for which you may be arrested and punished by 6 MONTHS IN JAIL AND/OR \$500.00 FINE, regardless of the disposition of the original charge (P.C. 853.7).

OFFICE OF COURT CLERK - HOURS

(THIS SPACE FOR REMITTANCE CONTROL MACHINE ENTRIES)

[Form for Uniform Misdemeanor and Traffic Citation]

FACE SIDE OF THE FORM

CITY OF					
NOTICE TO APPEAR					NO. 0001
DATE		TIME		DAY OF WEEK	
19				M	
NAME (FIRST MIDDLE, LAST)					
RESIDENCE ADDRESS				CITY	
BUSINESS ADDRESS				CITY	
DRIVERS LICENSE NO.			STATE	CLASS	BIRTHDATE
SEX	HAIR	EYES	HEIGHT	WEIGHT	FOOTWEAR
M F					
VEHICLE LICENSE NO.			STATE	PASSENGERS	
				M F	
YEAR OF VEH.	MAKE	MODEL	BODY STYLE	COLOR	
REGISTERED OWNER OR LESSEE					
ADDRESS OF OWNER OR LESSEE					
VIOLATION(S) CODE SECTION DESCRIPTION					
					BOOKING REQUIRED <input type="checkbox"/>
APPROX. SPEED	PF/MAX SPD.	VEH SPD LMT	SAFE SPD.	CITY OF OCCUR	
LOCATION OF VIOLATION(S)					
ON					
COMMENTS: (WEATHER, ROAD & TRAFFIC CONDITIONS)					
<input type="checkbox"/> OFFENSE(S) NOT COMMITTED IN MY PRESENCE. CERTIFIED ON INFORMATION AND BELIEF I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON THE DATE SHOWN ABOVE AT.					
ISSUING OFFICER					
					CALIF. SERIAL NO.
					(PLACE)
NAME OF ARRESTING OFFICER - IF DIFFERENT FROM ABOVE			SERIAL NO.	VACATION DATES	
WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE CHECKED BELOW.					
X SIGNATURE					
BEFORE A JUDGE OR A CLERK OF THE MUNICIPAL OR JUSTICE COURT					
(ADDRESS)					
JUVENILE COURT, TRAFFIC DIVISION					
DATE	TIME		M	WITHIN 11 DAYS	
OR YOU MAY APPEAR					
ON THE NIGHT(S) OF					
AT					
P.M.					
FORM APPROVED BY THE JUDICIAL COUNCIL OF CALIFORNIA, REV. 11-10-89 V.C. 40513(b) P.C. 253.9					
SEE REVERSE SIDE					

Gray areas indicate spaces subject to local or agency requirements.

[Form for Uniform Misdemeanor and Traffic Citation]

REVERSE SIDE OF COURT COPY

BAIL:

The defendant is to be admitted to bail in the sum of _____
dollars.

Judge

BOOKING: (To be ordered only on request of arresting officer.)
The defendant is ordered to report to the [Name of the arrest-
ing agency] at [Address] and to be booked as provided by P. C. 853.6(g).

Judge

(THIS SPACE FOR REMITTANCE CONTROL MACHINE ENTRIES)

[Form for Uniform Misdemeanor and Traffic Citation]

REVERSE SIDE OF VIOLATOR'S COPY

IMPORTANT - READ CAREFULLY

WARNING:

Willful failure to appear as promised is a separate violation for which you may be arrested and punished by 6 MONTHS IN JAIL AND OR \$500.00 FINE, regardless of the disposition of the original charge (V.C. 40508, P.C. 853.7). In addition, the Department of Motor Vehicles is REQUIRED TO WITHHOLD the issuance or renewal of your driver's license, and may revoke or suspend your driving privilege, if you violate your written promise to appear when a traffic offense has been charged.

BAIL INFORMATION:

(Appropriate information should be printed here)

OFFICE OF COURT CLERK - HOURS

NIGHT COURT:

Night sessions for the purpose of posting bail, arraignments, taking pleas and setting cases for trial are held in some courts for traffic offenses (Gov. C. 72390). The officer will have indicated by check mark on the bottom line of the front side of the citation if night sessions are available in the court to which you are cited.

JUVENILES:

You must appear with license at the date and time indicated, accompanied by parent or guardian.

DRIVER'S LICENSE AND VEHICLE REGISTRATION VIOLATIONS:

You must bring a valid license or registration certificate at the time of your appearance if you have one or can lawfully obtain one.

EQUIPMENT VIOLATIONS:

You should make necessary repairs and produce satisfactory proof of correction at the time of your appearance as follows:

Defective headlights, brakes or smog devices, submit a certificate from an official inspection station or other evidence satisfactory to the court.

Other defects, submit a certificate of the California Highway Patrol, Sheriff, County Marshal, Constable or Police Department, or other evidence satisfactory to the court.

You will be required to explain to the judge any failure to make necessary repairs.

SPACE LEFT HERE FOR LOCAL INSPECTION STATIONS

CERTIFICATE OF CORRECTION

Section Violated	Signature of person certifying correction	Badge No.	Agency	Date

(THIS SPACE FOR REMITTANCE CONTROL MACHINE ENTRIES)

APPENDIX FIVE

AGENCY RECOMMENDATIONS ON CRIMES FOR WHICH CITATIONS MAY BE ISSUED

ANCHORAGE POLICE DEPARTMENT

ANCHORAGE POLICE DEPARTMENT

Crimes are categorized in three groups:

- (A) Those for which citations may generally be issued;
- (B) Those for which citations may be issued only after careful consideration of the circumstances surrounding the alleged criminal act; and,
- (C) Those for which citations should not be issued under any circumstances.

The crimes listed in each category are recommendations of the Task Force Representative of the Agency in question and are subject to final approval by the Agency head.

Those crimes which are found in Category B are ones in which careful consideration should be given to the potential for violence, harm to a person, or the potential for the unlawful activity resuming once a citation has been issued and the arresting officer has left the scene.

The Task Force was in general agreement that misdemeanors outside Title 11 of the Alaska Statutes and those contained in Municipal Ordinances would generally be subject to citation.

Category A

AS 11.15.310	Libel and Slander
AS 11.15.340	Negligent use of combustible materials
AS 11.20.135	Unauthorized entry, use or occupancy of property
AS 11.20.140	Larceny of money or property (under \$100.00)

Category A (continued)

AS	11.20.145	Driving or taking watercraft or aircraft without the owner's consent
AS	11.20.160	Larceny of animals (under \$50.00)
AS	11.20.170	Driving animals from range
AS	11.20.200	Larceny by false personation (when a misdemeanor)
AS	11.20.210	Issuing checks without funds or credit
AS	11.20.230	Drawing of check with insufficient funds (when a misdemeanor)
AS	11.20.260	Retention of lost property
AS	11.20.275	Concealment of merchandise
AS	11.20.280	Embezzlement by employee or servant (less than \$100.00)
AS	11.20.290	Embezzlement by bailee (less than \$100.00)
AS	11.20.330	Embezzlement by Trustee (less than \$100.00)
AS	11.20.340	Embezzlement by Fiduciary (less than \$100.00)
AS	11.20.400	Fraudulent sale of personalty subject to security interest
AS	11.20.430	Falsifying or destroying corporate or company records
AS	11.20.440	False reports as to corporations or companies
AS	11.20.450	False pretenses on soliciting for organizations
AS	11.20.470	False statement affecting banks, banking institutions and trust companies
AS	11.20.480	Defrauding hotel, boardinghouse, bar or restaurant operator

Category A (continued)

AS	11.20.495	Fraudulent use of telecommunication service
AS	11.20.500	Unauthorized use of badge or emblem of societies
AS	11.20.510	Labeling of imitation gold, jade or ivory
AS	11.20.590	Injury to highways, public recreation facilities or highway signs
AS	11.20.610	Trespassing on Improved lands
AS	11.20.620	Injuring trees or removing timber or minerals
AS	11.20.630	Trespass
AS	11.20.660	Opening or publishing contents of sealed letters
AS	11.20.670	Misuse, damage, or destruction of camps
AS	11.22.010	Theft by taking or retaining possession of card taken
AS	11.22.020	Theft of credit card lost, mislaid, or delivered by mistake
AS	11.22.030	Purchase or sale of credit card of another
AS	11.22.040	Obtaining control of credit cards as security for debt.
AS	11.22.060	Signing credit card of another
AS	11.22.070	Fraudulent use of a credit card (when a misdemeanor)
AS	11.22.080	Fraud by a person authorized to provide goods or services (when a misdemeanor)
AS	11.22.090	Misrepresentation to issuer (when a misdemeanor)

Category A (continued)

AS	11.22.110	Receipt of anything of value obtained by fraudulent use of credit cards
AS	11.25.070	Making false or altering receipts of goods in warehouse
AS	11.25.080	Counterfeiting or imitating brands
AS	11.30.180	Officer not executing process whereby person escapes
AS	11.30.190	Compounding or concealing crime
AS	11.30.215	Making a false report to a peace officer
AS	11.30.220	Impersonating peace officer
AS	11.30.230	Receiving unauthorized fees; non-feasance in office
AS	11.30.240	Mishandling of public records
AS	11.30.245	Obstruction of access to public records
AS	11.30.315	Destroying, altering, or concealing evidence
AS	11.35.010	Desertion or nonsupport of spouse or child
AS	11.40.160	Display, sale, offer, distribution, lending, or giving away of objectionable comic books
AS	11.40.450	Attaching or detaining dead body for debt
AS	11.40.460	Destruction of any part of a cemetery
AS	11.40.470	Making roads through a cemetery
AS	11.40.480	Cruelty to animals
AS	11.40.500	Abandoning disabled animals to die
AS	11.40.510	Use of live birds as targets

Category A (continued)

AS	11.40.520	Fighting or baiting animals or creatures
AS	11.40.530	Maintaining kennel or pet shop in unsanitary or inhumane manner
AS	11.45.050	False alarms
AS	11.60.010	Promoting or setting up lotteries
AS	11.60.020	Selling tickets or shares
AS	11.60.030	Advertising tickets or shares
AS	11.60.070	Minors in card rooms
AS	11.60.080	Selling or giving tobacco to minor
AS	11.60.110	Frequenting opium dens
AS	11.60.140	Dealing or conducting gambling game
AS	11.60.170	Places where gambling or unlicensed liquor traffic conducted as nuisances
AS	11.60.200	Permitting dangerous animal to be at large
AS	11.60.220	Desecration of flag
AS	11.60.225	Improper use of State Seal
AS	11.60.280	Unauthorized publication or use of communications
AS	11.60.290	Eavesdropping
AS	11.60.350	Deprivation of rights under color of law
AS	11.65.030	Tampering with posted notices
AS	11.70.040	Blind persons with guide dogs in public places
AS	11.70.050	Arctic Winter Games

Category B

AS	11.15.200	Careless use of firearms
AS	11.15.230	Assault and assault and battery
AS	11.20.350	Buying, receiving, or concealing stolen property
AS	11.20.215	Malicious Mischief and destruction of property
AS	11.20.575	Malicious destruction of property by a tenant
AS	11.30.080	Aiding escape from confinement
AS	11.30.130	Rescue of Prisoner
AS	11.30.200	Neglect or refusal to aid officer
AS	11.30.210	Obstructing an officer
AS	11.40.080	Indecent exposure and exhibition
AS	11.45.030	Disorderly conduct
AS	11.55.010	Carrying concealed weapons
AS	11.55.050	Flourishing, pointing, or discharging firearm in a public place
AS	11.55.060	Shooting at buildings
AS	11.55.065	Shooting from, on, or across highways
AS	11.55.070	Possession of firearm while under influence of intoxicating liquor or drug
AS	11.65.010	Discharging ballast into navigable waters
AS	11.65.020	Interfering with buoys and beacons

Category C

AS	11.15.220	Assault with dangerous weapons
AS	11.15.290	Childstealing
AS	11.15.300	Blackmail
AS	11.40.130	Contributing to delinquency of child
AS	11.40.210 through AS 11.40.420	Prostitution and related offenses
AS	11.40.440	Disinterment of body
AS	11.45.020	Riot and Unlawful Assembly
AS	11.60.210	Vagrancy

ALASKA STATE TROOPERS

ALASKA STATE TROOPERS

Crimes are categorized in three groups:

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- (B) Those for which citations may be issued only after careful consideration of the circumstances surrounding the alleged criminal act; and,
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The Task Force was in general agreement that misdemeanors outside Title 11 of the Alaska Statutes and those contained in Municipal Ordinances would generally be subject to citation.

Category A

AS 11.15.300	Blackmail (when a misdemeanor)
AS 11.15.310	Libel and Slander
AS 11.15.340	Negligent use of combustible materials
AS 11.20.135	Unauthorized entry, use or occupancy of property
AS 11.20.140	Larceny of money or property (under \$100.00)

Category A (continued)

AS	11.20.145	Driving or taking watercraft or aircraft without the owner's consent
AS	11.20.160	Larceny of animals (under \$50.00)
AS	11.20.170	Driving animals from range
AS	11.20.200	Larceny by false personation (when a misdemeanor)
AS	11.20.210	Issuing checks without funds or credit
AS	11.20.230	Drawing of check with insufficient funds (when a misdemeanor)
AS	11.20.260	Retention of lost property
AS	11.20.275	Concealment of merchandise
AS	11.20.280	Embezzlement by employee or servant (less than \$100.00)
AS	11.20.290	Embezzlement by bailee (less than \$100.00)
AS	11.20.330	Embezzlement by Trustee (less than \$100.00)
AS	11.20.340	Embezzlement by Fiduciary (less than \$100.00)
AS	11.20.400	Fraudulent sale of personalty subject to security interest
AS	11.20.430	Falsifying or destroying corporate or company records
AS	11.20.440	False reports as to corporations or companies
AS	11.20.450	False pretenses on soliciting for organizations
AS	11.20.470	False statement affecting banks, banking institutions and trust companies
AS	11.20.480	Defrauding hotel, boardinghouse, bar or restaurant operator

Category A (continued)

AS	11.20.495	Fraudulent use of telecommunication service
AS	11.20.500	Unauthorized use of badge or emblem of societies
AS	11.20.510	Labeling of imitation gold, jade or ivory
AS	11.20.590	Injury to highways, public recreation facilities or highway signs
AS	11.20.610	Trespassing on Improved lands
AS	11.20.620	Injuring trees or removing timber or minerals
AS	11.20.630	Trespass
AS	11.20.660	Opening or publishing contents of sealed letters
AS	11.20.670	Misuse, damage, or destruction of camps
AS	11.22.010	Theft by taking or retaining possession of card taken
AS	11.22.020	Theft of credit card lost, mislaid, or delivered by mistake
AS	11.22.030	Purchase or sale of credit card of another
AS	11.22.040	Obtaining control of credit cards as security for debt.
AS	11.22.060	Signing credit card of another
AS	11.22.070	Fraudulent use of a credit card (when a misdemeanor)
AS	11.22.080	Fraud by a person authorized to provide goods or services (when a misdemeanor)
AS	11.22.090	Misrepresentation to issuer (when a misdemeanor)

Category A (continued)

AS	11.22.110	Receipt of anything of value obtained by fraudulent use of credit cards
AS	11.25.070	Making false or altering receipts of goods in warehouse
AS	11.25.080	Counterfeiting or imitating brands
AS	11.30.180	Officer not executing process whereby person escapes
AS	11.30.190	Compounding or concealing crime
AS	11.30.215	Making a false report to a peace officer
AS	11.30.220	Impersonating peace officer
AS	11.30.230	Receiving unauthorized fees; nonfeasance in office
AS	11.30.240	Mishandling of public records
AS	11.30.245	Obstruction of access to public records
AS	11.30.315	Destroying, altering, or concealing evidence
AS	11.35.010	Desertion or nonsupport of spouse or child
AS	11.40.160	Display, sale, offer, distribution, lending, or giving away of objectionable comic books
AS	11.40.450	Attaching or detaining dead body for debt
AS	11.40.460	Destruction of any part of a cemetery
AS	11.40.470	Making roads through a cemetery
AS	11.40.480	Cruelty to animals
AS	11.40.500	Abandoning disabled animals to die
AS	11.40.510	Use of live birds as targets

Category A (continued)

AS	11.40.520	Fighting or baiting animals or creatures
AS	11.40.530	Maintaining kennel or pet shop in unsanitary or inhumane manner
AS	11.45.050	False alarms
AS	11.60.010	Promoting or setting up lotteries
AS	11.60.020	Selling tickets or shares
AS	11.60.030	Advertising tickets or shares
AS	11.60.070	Minors in card rooms
AS	11.60.080	Selling or giving tobacco to minor
AS	11.60.110	Frequenting opium dens
AS	11.60.140	Dealing or conducting gambling game
AS	11.60.170	Places where gambling or unlicensed liquor traffic conducted as nuisances
AS	11.60.200	Permitting dangerous animal to be at large
AS	11.60.210	Vagrancy
AS	11.60.220	Desecration of flag
AS	11.60.225	Improper use of State Seal
AS	11.60.280	Unauthorized publication or use of communications
AS	11.60.290	Eavesdropping
AS	11.60.350	Deprivation of rights under color of law
AS	11.65.030	Tampering with posted notices
AS	11.70.040	Blind persons with guide dogs in public places
AS	11.70.050	Arctic Winter Games

Category B

AS	11.15.200	Careless use of firearms
AS	11.15.230	Assault and assault and battery
AS	11.20.350	Buying, receiving, or concealing stolen property
AS	11.20.215	Malicious Mischief and destruction of property
AS	11.20.575	Malicious destruction of property by a tenant
AS	11.30.080	Aiding escape from confinement
AS	11.30.130	Rescue of Prisoner
AS	11.30.200	Neglect or refusal to aid officer
AS	11.30.210	Obstructing an officer
AS	11.40.080	Indecent exposure and exhibition
AS	11.40.130	Contributing to delinquency of child
AS	11.45.020	Riot and unlawful assembly
AS	11.45.030	Disorderly conduct
AS	11.55.010	Carrying concealed weapons
AS	11.55.050	Flourishing, pointing, or discharging firearm in a public place
AS	11.55.060	Shooting at buildings
AS	11.55.065	Shooting from, on, or across highways
AS	11.55.070	Possession of firearm while under influence of intoxicating liquor or drug
AS	11.65.010	Discharging ballast into navigable waters
AS	11.65.020	Interfering with buoys and beacons

Category C

AS 11.15.220	Assault with dangerous weapons
AS 11.15.290	Childstealing
AS 11.40.210 through AS 11.40.420	Prostitution and related offenses
AS 11.40.440	Disinterment of body

APPENDIX SIX

PROPOSED RELEASE CRITERIA

CRITERIA TO CONSIDER IN
DECIDING WHETHER OR NOT TO ISSUE A CITATION

IDENTIFICATION:

1. How much identification does the individual have on his/her person?
2. Who issued the identification? Government, business, etc.
3. Does it contain a picture? Does it contain other information which tends to positively establish that the bearer is the person the identification says he/she is?
4. If the person has no identification on his/her person, how plausible is the explanation for the failure to carry identification?
5. If the person has no identification on his/her person can verification of identity be gained from witnesses, victim, or by other rapid and convenient methods?

RESIDENCE:

1. How long has the person lived at his/her current address?
2. How long has the person lived within the community?
3. Has the person "moved around" frequently within the community?
4. If the person is a newcomer to the community, where has he/she moved from? For what reasons? How long did

he/she reside at a previous address in another community?

FAMILY/OTHER CONTACTS IN COMMUNITY:

1. Does the individual currently live with a member of his/her immediate family?
2. Is the individual married? Is he/she currently living with a spouse? Does he/she have children? Are they living with the individual?
3. Does the individual maintain regular ties with family members other than those with whom he/she resides?
4. If the individual resides alone, does he/she maintain regular ties with family members who reside within the community?
5. Does the individual live alone? If not, what is his/her relationship with the individual with whom he/she resides?
6. What knowledge does the arresting officer have about the individual(s) with whom the person in custody resides?

EMPLOYMENT:

1. Is the individual employed? If so, with whom? How long?
2. If recently employed, what is the individual's past employment history?
3. If the individual is currently unemployed, how long has this condition existed?
4. If the individual is unemployed, is he/she engaged in a seasonable occupation for which employment opportunities are limited or currently unavailable?

MISCELLANEOUS:

1. Is the individual under a doctor's care?
2. Is the individual receiving welfare, unemployment, workman's compensation checks?
3. Is the individual a student at a local college or high school?
4. Is the individual a member of a national guard reserve unit?
5. Is the individual a member of the armed services? Is he/she stationed at a local military installation?
6. What does the arresting officer know from personal knowledge about the individual's prior criminal history?
7. Have the individual's answers been straight forward or have they been evasive? Has the individual been caught in a lie? Did the lie deal with an important factor?

NOTE: All these factors are to be considered in light of the crime involved, the circumstances surrounding the crime, the relationship between the victim and the individual in custody, etc.

In considering the nature of the crime, attention should be paid to consideration of whether or not the individual is likely to continue his/her unlawful conduct once a citation has been issued.

Above all other factors, the officer considering issuing the citation should keep in mind that its basic objective is to insure that the individual to whom it is issued will appear at arraignment on the date set. If the officer concludes that the individual will appear, and the

crime alleged is one for which the officer has the discretion to issue a citation, then the citation should be issued.

· APPENDIX SEVEN

PROPOSED UNIFORM TRAFFIC CITATION

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